

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

O.A. No. 108/87

K. K. Krishnan Kutty

Applicant

Vs.

1. The Flag Officer-Commanding-in-chief
Headquarters, Southern Naval Command
Cochin-4

Respondent

2. Union of India

Smt. Santhamma Issac

Counsel for the
applicant

Shri P. V. Madhavan Nambiar, SCGSC

Counsel for the
respondents

CORAM:

Hon'ble Shri C. Venkataraman,
Administrative Member

&

Hon'ble Shri G. Sreedharan Nair,
Judicial Member

(Order pronounced by Hon'ble Shri G. Sreedharan Nair,
Judicial Member on 16th July, 1987)

O R D E R

The applicant was employed as Electrician on casual basis in the Naval Base, Cochin from 20.10.1983 to 28.9.1985 with intermittent breaks. It is alleged by him that from October, 1985, he was not given work though his juniors were allowed to continue. Representation was submitted by the applicant but he was informed that he cannot be given further employment " due to administrative reasons." The applicant prays ^{for declaring} that the termination of ^{his} ~~the~~ service ~~of the applicant~~ amounts to retrenchment and that it is illegal. A direction is prayed for ~~for~~ his reinstatement.

2. . In the reply filed by the respondents, the only contention taken up is that the report on the verification of the character and antecedents of the applicant was received during September, 1985 which revealed that he is not a person fit for employment in the Defence services, *and hence he was not given further employment.*


3. It is not in dispute that from 20.10.1983 till 28.9.85, the applicant was in the employment of the respondents though there were breaks of short spells. The certificate at Annexure-I issued to the applicant shows that he was employed as Electrician on casual ^{or} basis ~~of~~ Rs. 260/- per mensem plus allowances as admissible from time to time in the Naval Base at Cochin. When the applicant was denied employment, a representation was submitted by him which was turned down by the respondents on the ground of administrative reasons. The stand taken up in the reply is that the report regarding the verification of character and antecedents of the applicant was received only in September, 1985 which revealed that the applicant is not a person fit for regular employment in the Defence service. It is not explained as to how the applicant was employed in October 1983 and was allowed to continue in the employment of the respondents till the end of September, 1985, if a report on the verification of character and antecedents was actually required for such employment. The insistence on such a report cannot also be accepted in the face of Article 14 of the Constitution. There is no case for the respondents that there was no work for the Electrician from October, 1985. The averments of the

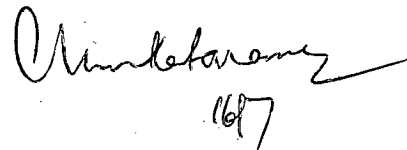
applicant that juniors who were employed by the respondents subsequent to the employment of the applicant are being retained has not been contraverted in the counter affidavit. In the circumstances, the denial of work to the applicant cannot be sustained.

4. In the result, we hereby direct the respondents to offer employment to the applicant, in case he reports for work, on the same basis as he was employed till 28.9.1985.

5. This application is allowed as above.

6. As the counsel of the applicant prays for a copy of the order urgently, the Registry will issue copies of the order to both sides on priority basis.


(G. Sreedharan Nair)
Judicial Member
16.7.87


(C. Venkataraman)
Administrative Member
16.7.87

Index: ~~Yes~~/No