

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 123/92
XXXXXX

109

DATE OF DECISION 20-8-1992

R Vasudevan Pillai

Applicant (s)

M/s MR Rajendran Nair

Advocate for the Applicant (s)

Versus
The Sub Divisional Officer,
Telegraphs, Mavelikara
and others.

Respondent (s)

Mr Mathews J Nedumpara ,AC GSC

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. PS Habeeb Mohamed, Administrative Member
and

The Hon'ble Mr. N Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
2. To be referred to the Reporter or not? *NO*
3. Whether their Lordships wish to see the fair copy of the Judgement? *NO*
4. To be circulated to all Benches of the Tribunal? *NO*

JUDGEMENT

Shri N Dharmadan, J.M

The applicant is a casual labourer. His grievance

is that the Respondent-1 has not disposed of his representation

pursuant to the directions contained in ~~the~~ Annexure-V

judgment and that the Respondent-1 refused to give him work
and wages in spite of the fact that work is available.

2 The applicant is coming before the Tribunal for the
second time. Earlier, he filed OA 1732/91 after filing a
representation dated 6.6.89 for getting identical relief.

This application was heard and disposed of by our judgment
dated 15.11.91 at Annexure-V directing the Respondent-1,
Sub Divisional Officer, Telegraphs, Mavelikkara to consider
the applicant's representation and dispose of the same in

accordance with law. It is after advertting to that judgment, the impugned order dated 10.12.91 at Annexure-I has been passed. The relevant portion in that judgment is as follows:

"2. Accordingly, we admit this application so far as the first applicant is concerned and dispose of the same with a direction to the first respondent to dispose of the representation at Annexure-III within a period of one month from the date of communication of this order in accordance with law."

Learned counsel for the applicant submitted that the respondents have admitted the fact that the applicant had worked on daily wages during the year 1986 to 1987. However, it is submitted that proper records are not available in the office of respondents for verification of the number of days worked by the applicant. The applicant will be satisfied if his name is also included in the list of casual mazdoors maintained by the Respondent-1 and provided work as and when work is available under Respondent-1.

3 Learned counsel for the respondents, who relied on the statement in the detailed affidavit filed in this case, submitted that even though there is admission of the applicant's prior service, the applicant was not given work from July, 1987. Hence, he is ineligible for re-engagement in the service. Learned counsel for the applicant, on the other hand, submitted that the applicant was reporting the office of Respondent-1 every day even in 1987, but Respondent-1 refused to engage him. However, the applicant could not produce

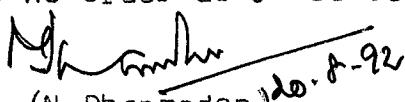
10

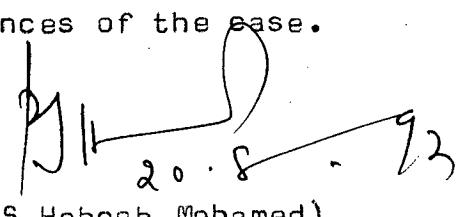
any documentary evidence to satisfy us that he was reporting the office of Respondent-1 every day in the year 1987. It is seen that he has filed a representation on 6.6.89 for getting re-engagement and this representation was directed to be disposed of. From the order at Annexure-1, we are not satisfied that the representation of the applicant was considered and disposed of properly. However, in the view that we are taking in this case the it is not necessary for us to go into details any further.

4 Learned counsel for the applicant submitted that the applicant will be satisfied if a direction is given to the Respondent-1 to include him in the list of casual mazdoors, considering the admission made by the Respondent-1 as per Annexure-I that he worked under Respondent-1 during short periods in 1986 and 1987 purely on casual basis. However, considering the peculiar facts stated in this application, we are of the view that the applicant's name should also be included in the list of casual mazdoors maintained by Respondent-1 with bottom seniority. Accordingly, we direct Respondent-1 that the applicant should be given work, if work is available taking into consideration the list with bottom of his representation and include his name in person.

5 The application is disposed of as above because of the peculiar facts and circumstances of the case.

There is no order as to costs.


(N Dharmadan) 20.8.92
Judicial Member


(PS Habeeb Mohamed) 20.8.92
Administrative Member