

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 131
T. A. No. 1993

DATE OF DECISION 22.1.93

K.J. Cherian Applicant (s)

Mr. M.R.Rajendran Nair Advocate for the Applicant (s)

Versus

Telecom District Manager, Kottayam Respondent (s)

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N. DHARMADAH, JUDICIAL MEMBER

The Hon'ble Mr. R. RANGARAJAN, ADMINISTRATIVE 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

MR. N. DHARMADAH, JUDICIAL MEMBER

Applicant filed this application under section 19 of the Administrative Tribunals' Act, 1985 stating that he has worked under the respondents from 1977 to 80 and hence he is entitled to re-engagement with bottom seniority. The applicant produced Annexure-I reply issued by the respondent disposing of his representation dated 31.10.92. The reasons for rejecting the representation given in Annexure-I is extracted below:

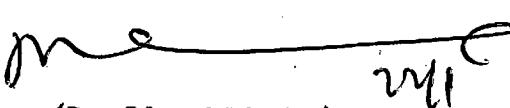
" 1. You are not an approved Casual Mazdoor of this SSA.
2. You had not done any work in this SSA as claimed in your representation as per the records of this SSA.
3. There is no work for which fresh recruitment of casual mazdoors is required."

2. According to the applicant, the reasons mentioned in Annexure-I are not correct. Annexure-II states that mazdoor was cancelled and intimation the selection of the applicant as casual was received only in 1983. Hence, upto 1983 he was working under the respondents. He also produced Annexure-IV order of the Telecom District Manager, Kottayam to ~~xxx prove~~ that persons who had worked only for two days during the year 1980-85 were ~~xxxx~~ re-engaged on the basis of the direction of this Tribunal. Hence, applicant is also entitled to re-engagement with bottom seniority.

3. When the matter came up for admission, learned counsel for respondents opposed admission of the application on the plea that the applicant has abandoned work and has not given explanation for long absence during 1980-88. The representation itself has been filed only in 1990. Learned counsel for applicant Shri M.R. Rajendran Nair limited his prayer and submitted that ~~the application~~ can be disposed of directing respondent to consider him as a fresh hand whenever work is available.

4. We have heard counsel appearing on both sides. After hearing the counsel, we are of the view that this is a matter for the respondents to decide whether the applicant is as a fresher. entitled to re-engagement or not. Hence, we direct the applicant to submit a detailed representation along with supporting materials ~~to prove xxx~~ his earlier engagement, claiming re-engagement along with freshers. If such a representation is made by the applicant within two weeks from the date of receipt of a copy of this judgment, the respondent is directed to consider and dispose of the same without any delay.

5. There shall be no order as to costs.


(R. RANGARAJAN)
ADMINISTRATIVE MEMBER


(N. DHARMADAN) 22.1.93
JUDICIAL MEMBER