

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O.A. No. 134/91
~~XXXXXX~~

189

DATE OF DECISION 25-1-91

KV Madhu Applicant (s)

Mr MR Rajendran Nair Advocate for the Applicant (s)

Versus

Union of India rep. by Secretary,
Ministry of Communications,
New Delhi and others. Respondent (s)

Mr Mathews J Nedumpara, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. SP Mukerji, Vice Chairman

The Hon'ble Mr. N Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
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 SP Mukerji, Vice Chairman

The applicant claims that he was initially engaged as casual mazdoor in the Southern Telecom Project by the 5th respondent w.e.f 17.8.85 and his present grievance is that he has not been given work as casual mazdoor despite work is available under the respondents.

2. The applicant had earlier approached this Tribunal alongwith ^{few} ~~other~~s by filing OA 329/88. It was heard and dismissed. But in the judgment we observed that in so far as the regularisation and absorption of the applicant is concerned, it would depend upon the date of initial engagement, the number of days of service etc. and that the applicant is entitled for regularisation according to his turn. The respondents ^{are} ~~have~~ already seized of

the matter and there is no need for issuing any directions.

3 The applicant also brought to our notice the judgment rendered by this Tribunal in OA 521/89 and contended that this Tribunal considered the rights of similar casual mazdoors under the respondents and declared that they are entitled to continue as casual mazdoors and get work and wages as and when work is available under the respondents and directed the respondents to consider their cases for regularisation in accordance with their turn.

4 The applicant now states that he has previous service under the respondents from 17.8.85 to 15.3.88 and thereafter work was denied to the applicant. He also submitted that his juniors are being engaged without considering the ^{claim for this} grant of work to the applicant.

5 We have heard the learned counsel for the respondents also. After considering the matter, we are satisfied that justice would be met in this case if this application is disposed of with directions. Accordingly, we dispose of this case with the directions that the respondents should consider the question of regularisation of the applicant's service after taking into consideration his previous service and his seniority. Till such regularisations, the applicant may also be given work as and when work is available alongwith his juniors.

6 The application is disposed of accordingly.

There will be no order as to costs.

N. Dharmadan
(N Dharmadan) 25.1.91
Judicial Member

S. L. / 25.1.91
(SP Mukerji)
Vice Chairman