

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 140 of 1992
T. A. No.

DATE OF DECISION 29-1-1992

Mr G Sankaran Chettiar Applicant (s)

Mr MR Rajendran Nair Advocate for the Applicant (s)

Versus

Sub Divisional Officer, Respondent (s)
Telegraphs, Tiruvalla & 3 others

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

CORAM :

The Hon'ble Mr. SP MUKERJI, VICE CHAIRMAN

&

The Hon'ble Mr. AV HARIDASAN, 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? *Yes*
4. To be circulated to all Benches of the Tribunal? *Yes*

JUDGEMENT

(Mr AV Haridasan, Judicial Member)

This application is by a Casual Mazdoor who had rendered service as a Casual Mazdoor during 1972 to 1982 under the respondents 1 & 2. The prayer in this application is that it should be declared that he continues as a Casual Mazdoor and that a direction may be given to the respondents to reengage him giving seniority in his turn. The applicant had made a representation seeking reengagement to the third respondent, the Chief General Manager on 10.10.1991 which was forwarded to the Telecom District Engineer, Tiruvalla. As the representation has not been disposed of and as the applicant is remaining unemployed, he has filed this application without waiting for a period of six months.

2. Shri Mathews J Nedumpara, ACGSC took notice on behalf of the respondents on our direction.

3. It was brought to our notice that in the case of a similarly circumstanced Casual Mazdoor by name Mr KK Chacko, this Tribunal had given a direction that he should be engaged with bottom seniority in the final order passed in OA-1661/91, as the learned counsel appearing on behalf of the Chief General Manager agreed to such a course. It is also averred in the application that in the case of Casual Mazdoors who had rendered service even earlier than the applicant who had made representation later than the applicant had been reengaged by the respondents. A specific case of the applicant in OA-1197/90 who has been reengaged on his representation dated 6.11.1991 has been quoted in the application.

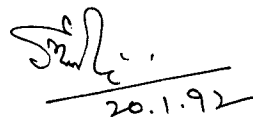
4. Having heard the learned counsel on either side, we are of the view that this application can be disposed of with a suitable direction to the respondents to consider the applicant's representation in the light of the judgement of this Tribunal in OA-1661/91 and the decision taken by the respondents in the case of Casual Mazdoors identically situated like the applicant. The learned counsel on either side have no objection in adopting this course.

5. In the result, we admit this application and dispose of the same with direction to the respondents to consider and dispose of the representation made by the applicant dated

10.10.1991 at Annexure-III, keeping in view the judgement at Annexure-V dated 4.11.1991 in OA-1661/91, within a period of one month from the date of communication of this order. If the representation is not readily available, a copy of Annexure-III available in the file given to the respondents may be made use of for the purpose. There is no order as to costs.



(AV HARIDASAN)
JUDICIAL MEMBER


20.1.92

(SP MUKERJI)
VICE CHAIRMAN

29-1-1992

trs