

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 159 of 1992.

DATE OF DECISION 10.6.93

KK Mureleedharan Applicant (s)

Mr. MR Rajendran Nair Advocate for the Applicant (s)

Versus
The Sub Divisional Officer,
Telegraphs, Perumbavoor & Respondent (s)
others

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

CORAM :

The Hon'ble Mr. N DHARMADAN, JUDICIAL MEMBER
AND

The Hon'ble Mr. R RANGARAJAN, ADMINISTRATIVE 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

N DHARMADAN, J.M

Applicant is aggrieved by the Annexure-I order by which his request for re-employment as Casual Mazdoor was rejected by passing a one line order, which is extracted below:

" The representation of Shri Muraleedharan KK has been carefully considered and it is to be intimated that there is no provision in the rules to re-employ any casual mazdoor whose absence is more than 6 months and rules do not permit any fresh in take of mazdoor after 31.3.85."

2. According to the applicant, he commenced service as Casual Mazdoor in the year 1983 and worked from 23.2.83 to 28.4.83. He has produced Annexure-II certificate to establish his prior service. He submitted that the respondents denied him work since 1983. But in the year 1986 and 1987

he was given work under Lineman Rajan and Cable Splicer MV Kunjappan. He has ^{not} produced any certificate to support his service in the year 1986-87. When he filed a representation in the year 1988 for getting further engagement and reinstatement in service, Sub Divisional Officer, Telegraph, Perumbavoor issued Annexure-III letter calling upon him to produce the service card and other records to support his claim for the earlier engagement. However, he produced the available certificate, but the request for reengagement was rejected by the impugned Annexure-I order. In these ⁴ circumstance, he has filed this application challenging the impugned order and also seeking a direction to reengage him after issuing an approval card.

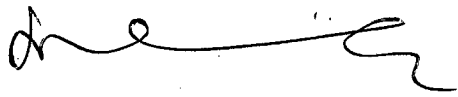
3 Respondents have filed a reply statement wherein they have submitted that the applicant worked only for a limited period in 1983 and the application is liable to be rejected.


4 At the time when the case came up for final hearing, learned counsel for the applicant submitted, that in the light of the decision of this Tribunal in DA 1027/91 and connected cases and also the decision of the Supreme Court dealing with the question of reengagement of Casual Labourers who had long break in service, ^{the case of the applicant requires fresh consideration}

5 Having heard counsel on both sides, we are of the view that the reason mentioned in the impugned order cannot be sustained and in the light of the decision of

the Supreme Court and this Tribunal as also other Courts, the matter requires further reconsideration by the competent authority. Accordingly we set aside the impugned order at Annexure-I and direct the Respondent-2 to reconsider the claim of the applicant for reengagement on the basis of his prior service in the light of the law laid down by this Tribunal and other Courts. This shall be done within a period of three months from the date of receipt of a copy of this judgment. We make it clear that till implementation of this direction, the interim order passed in this case will be in force.

6 Application is disposed of as above. No costs.


(R. RANGARAJAN)
ADMINISTRATIVE MEMBER


(N. DHARMADAN)
JUDICIAL MEMBER

10.6.93