

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 163 of 1992.

DATE OF DECISION 19-4-1993

MK Ramanan Applicant (s)

M/s MR Rajendran Nair Advocate for the Applicant (s)

^{Versus}
The Sub Divisional Officer,
Telegraphs, Perumbavoor Respondent (s)
and others.

Mr Mathews J Nedumpara, AEGSC 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

Shri N Dharmadan, J.M

The applicant is a casual mazdoor. He is aggrieved by the impugned order dated 12.8.91 at Annexure-I passed by the Assistant Engineer (Admn.) considering and disposing of his representation dated 29.7.1991, which reads as follows:

" The representation of Shri MK Ramanan 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 31.3.1985."

2 According to the applicant, the order is unsustainable and liable to be quashed. He submitted that he worked under the Junior Engineer (Phones), Kalady from 24.7.85 to 31.10.88

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about 396 days. Annexure-II is the certificate produced by him in this regard issued by the Junior Engineer(Phones), Kalady. He submitted that he has also registered his name with the Employment Exchange and his registration No. is 4628/89. After 1988 even though the applicant approached the respondents and requested for re-engagement, he was not given employment. Hence, he filed a representation for getting re-employment and regularisation. The said representation was disposed of without considering his claim and merits of the contentions.

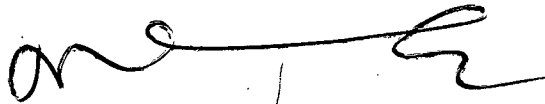
3 In the reply statement filed by the respondents they have not denied ~~the~~ Annexure-II certificate and prior engagement of the applicant, except stating that there is no record in the office to verify the certificate and the same has not been issued by the competent authority. But according to the respondents Annexure-II certificate cannot be accepted because of the fact that the same has not been issued by the competent authority, such as, Sub Division Officer/ Assistant Engineer etc.

4 The reasons mentioned in Annexure-I impugned order do not appear to be satisfactory in the sense that the contentions of the applicant have not been specifically adverted ^{to} while considering his claim. The legal effect of the various orders referred to in the reply statement has not been examined and there is no


mention in the impugned order as to why Annexure R1 does not apply in the case of the applicant, if the applicant's statement that he has worked for 396 days in the department during the relevant time is correct.

5 However, having regard to the facts and circumstances of the case, we are of the view that the impugned Annexure-I cannot be sustained and liable to be quashed. Accordingly, we quash the same and direct the Respondent-2 to pass a fresh order considering his representation filed as stated in the application. In the meantime, we also direct the respondents to consider the applicant for engagement, if work is available.

6 The application is disposed of as above. There will be no order as to costs.



(R Rangarajan)
Administrative Member


19.4.93

(N Dharmadan)
Judicial Member

19-4-1993