

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM**

O. A. No. 18 T. A. No. 1991

DATE OF DECISION 21.2.91

D. Balakrishnan _____ Applicant (s)

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

Versus

The Sub Divisional Officer, Respondent(s)
Telegraphs, Kayamkulam & another

Mr. Ajith Narayanan ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S. P. MUKERJI, VICE CHAIRMAN

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

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not? *do*
3. Whether their Lordships wish to see the fair copy of the Judgement? *do*
4. To be circulated to all Benches of the Tribunal? *do*

JUDGEMENT

MR. N. DHARMADAN, JUDICIAL MEMBER

The applicant is a casual mazdoor. He commenced his service from the year 1985 under the first respondent at Kayamkulam. He was engaged by the first respondent in connection with the works upto 1986 whenever work was available. According to the applicant his name was also included in the Muster Roll kept by the first respondent and he is an approved Mazdoor. From 17.7.1986 the first respondent denied work and hence he has filed this application under section 19 of the Administrative Tribunals' Act with the following reliefs:

- "i) To direct the respondents to reengage him as casual mazdoor at least with bottom seniority;
- ii) Direct the respondents to regularise the service of the applicant in accordance with his turn on the basis of the date of initial engagement.

iii) Grant such other reliefs as may be prayed for and the Tribunal may deem fit to grant and

iv) Grant the cost of this O.A."

2. We have heard the learned counsel for both sides. We have also disposed similar cases directing the applicant therein to file representation and also directing the respondents to consider the same and dispose as per rules. The learned counsel for the respondents submitted that this case is covered by earlier decisions of the Tribunal in similar cases. This is not disputed by the learned counsel appearing for the applicant. Accordingly, we are of the view that this case~~s~~ can also be disposed with the following direction.

3. We direct that the applicant ~~may~~ file a detailed representation stating his service particulars as Casual Mazdoor under the first respondent, within two weeks from the date of receipt of a copy of this judgment. If the applicant files a representation as directed above, the first respondent shall consider and dispose of the same taking into consideration our observation in similar cases such as O.A. 202/89, O.A. 747/89 and connected cases. The first respondent shall dispose of the representation as early as possible, at any rate within a period of two months from the date of receipt of the representation from the applicant.

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


(N. DHARMADAN)
JUDICIAL MEMBER

21.2.91.


(S. P. MUKERJI)
VICE CHAIRMAN