

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 187 of 1992

DATE OF DECISION 9-3-1993

A Chandran

Applicant (s)

M/s MR Rajendran Nair

Advocate for the Applicant (s)

The Sub Divisional Officer

Telephones, Aluva and others

Respondent (s)

Mr KA Cherian, ACGSC

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. AV Haridasan, Judicial Member
and

The Hon'ble Mr. R Rangarajan, Administrative Member

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

JUDGEMENT

Shri AV Haridasan, J.M

had

The applicant who rendered casual service for 498 days
from 21.6.82 to 15.1.88 has filed this application for the
following reliefs:-

- "(i) Direct the respondents to re-engage the applicant as casual mazdoor and to declare that the applicant is deemed to have continued as casual mazdoor and direct the respondent to pay him wages for the period he was ousted from service.
- (ii) Direct the respondents to give work and wages to the applicant and to regularise him in service in his due turn.
- (iii) Grant the cost of this Original Application."

2 It has been averred in the application that details of the service rendered by the applicant were endorsed in a Note

Book by the Junior Engineers, Sub-Inspectors and finally by the Sub Divisional Officer while disbursing the arrears of wages for the period from 5.2.86 to 15.1.88 paid on 9.3.88. The applicant has annexed a copy of the extract taken from the book at Annexure-I. Since he was not continued in engagement after 1988, he made representation for issuing an approval card and re-engagement in the year 1989. But the request was not responded to. In these circumstances finding that the department is engaging even fresh hands, the applicant has filed this application.

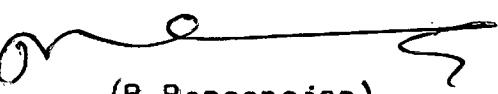
3 The respondents in the reply statement contend that the casual service of the applicant for 498 days is not admitted and that the applicant has worked only for 30 days from 1.3.88 to 30.3.88 and that as the applicant was not sponsored by the Employment Exchange, he is not entitled for the reliefs claimed.

4 When the application came up for final hearing, learned counsel for the applicant submitted that he of declaration claimed as relief is not pressing relief/No.1 and that the applicant would be satisfied if a direction is given to the respondents to consider his claim for re-engagement on the basis of his past services and to grant him ~~provisional~~ re-engagement if the past service alleged in the application is found true. This is a very modest and reasonable request.

Learned counsel for the respondents fairly agreed that the application can be disposed of with appropriate direction to the concerned respondents to verify the correctness of the claim of the applicant of his past service with reference to the official records and any documents the applicant may like to produce and if the claim is found to be genuine, to enlist him as casual mazdoor on the basis of his proved service.

5 In the result as agreed to by the parties, the application is disposed of with a direction to Respondent-1 to consider the claim of the applicant as stated in the original application with reference to the records available with the department as also with the originals at Annexure A1 after giving him an opportunity to the applicant to be heard in person and after verifying the authenticity of the entries in the book (original or Annexure A1) by calling the officers who had made these endorsements and if it is found that the applicant had rendered service as claimed to enlist him as casual mazdoor and consider him for engagement in his turn in preference to persons with less length of casual service than him. Action on the above line should be completed and the decision intimated to the applicant within a period of two months from the date of receipt of a copy of this judgment.

6 There will be no order as to costs.


(R Rangarajan)
Administrative Member


(AV Haridasan)
Judicial Member