

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.189/2000

Tuesday this the 22nd day of February, 2000

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. J.L. NEGI, ADMINISTRATIVE MEMBER

P. Sasidharan aged 41 years
S/o Pathrose, Casual Mazdoor,
residing at Kattavila Veedu,
Karumkulam, Puthiyathara,
Thiruvananthapuram.

... Applicant

(By Advocate Mr. Vishnu/G.Sasidharan)

Vs.

1. Sub Divisional Engineer, Telecom,
Kattakada, Trivandrum.
2. Divisional Engineer, Telecom,
Kattakada, Trivandrum.
3. General Manager, Telecom,
Thiruvananthapuram.
4. Chief General Manager Telecom,
Kerala Circle, Thiruvananthapuram.
5. Union of India, represented by its
Secretary, Ministry of Communication,
New Delhi.

... Respondents

(By Advocate Mr. Prasanthkumar rep. A. Sathianathan)

The application having been heard on 22.2.2000, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant whose name has been included in the
list of un-approved Mazdoors at Sl.No.4 as seen from
Annexure.A5 has filed this application for the following
reliefs:

"1. Declare that the applicant is entitled to be
engaged as a casual mazdoor and be paid
accordingly and direct the respondents to
take action accordingly.

2. Direct the Ist respondent to engage the applicant for work and pay him as a casual mazdoor.
3. Direct the respondents to extend the benefit of A5 read with Annexure.A1 and A2 to the applicant.
4. Direct the Ist respondent to arrange payment to the applicant for the work done by him from 1.10.1999 to 11.2.2000 forthwith.
5. Direct the respondents to engage the persons in the list of unapproved mazdoors at Annexure A5 forthwith.
6. Any other further relief or order as this Hon'ble Tribunal may deem fit and proper to meet the ends of justice.
7. Award the cost of these proceedings."

2. There is no allegation that any person who is below in the list has been engaged. There is only a loose allegation in paragraph 11 of the application that persons who had not been engaged prior to 1988 are being engaged. No details have been given. Therefore, there is no basis for the claim of the applicant for a declaration that he is entitled to be re-engaged.

3. The applicant has also sought a monetary claim for wages during the period October, 1999 to 11.2.2000. There is no material to show that the applicant has ever made such a claim to the respondents. If any amount is due, it is upto the applicant to make a claim and if that is not met within a reasonable time, it will be open for

him to seek appropriate relief.

4. We do not find any cause of action for the applicant for entertaining this application. Hence the application is rejected under Section 19(3) of the Administrative Tribunals Act. There is no order as to costs.

Dated the 22nd day of February, 2000

J.L. NEGI
J.L. NEGI
ADMINISTRATIVE MEMBER

A.V. HARIDASAN
A.V. HARIDASAN
VICE CHAIRMAN

s.

List of Annexures referred to:

Annexure.A1: True copy of the order of the Hon'ble Tribunal Ernakulam Bench in a batch of cases including OA 1315/91 dated 8.4.1993.

Annexure.A2: True copy of the order of the Supreme Court dated 28.7.98 in Civil Appeal Nos. 7033-54/93

Annexure.A5: True copy of the list of unapproved casual mazdoors in the order of priority in Thiruvananthapruam.

...