

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 194/2003

Monday, this the 10th day of March, 2003.

CORAM :

HON'BLR SHRI A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE SHRI T.N.T. NAYAR, ADMINISTRATIVE MEMBER

P.P. Nasar,
Pathummapura House,
Kadamath, UT of Lakshadweep.

... Applicant

(By Advocate Mr. V.D. Balakrishna Kartha)

Vs

1. Union of India rep. by
Secretary to Government of India,
Ministry of Communications,
Government of India,
New Delhi.
2. General Manager,
Telecom District,
B.S.N.L.,
Ernakulam.
3. Telecom District Manager,
Telecom, BSNL,
Kavarathi, UT of Lakshadweep. ... Respondents

(By Mr. M. Rajendrakumar, ACGSC)

The application having been heard on 10.3.2003, the Tribunal delivered the same day the following :

ORDER

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

The applicant, who was engaged as Casual Mazdoor for some days during 1986-1988 was not engaged thereafter. He made representations for re-engagement. In reply to his representations, he was told by Annexure A4 order dated 12.8.1991 that he could not be considered for re-engagement as rule do not permit re-engagement of Casual Mazdoor whose absence was more than 6 months. Even thereafter he made representations. Finding that some Casual Mazdoors were reengaged and granted temporary status by order dated 7.10.1998(Annexure A8 and A9), the applicant made representation for re-engagement and further

benefits. For the representation dated 6.4.1999, he did not get any response. Therefore the applicant approached the Hon'ble High Court of Kerala in OP No.7476/2002, which was dismissed with the observation that the Central Administrative Tribunal alone has jurisdiction at the first instance to consider the grievances raised in the OP and also that while computing the period of limitation, the period the petitioner was bonafide prosecuting the case before the High Court should be excluded. The applicant has filed this application for the following reliefs :-

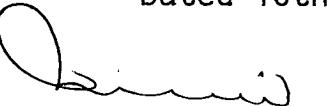
- (i) To call for the records relating to Annexure A4 and set aside the same and direct the respondents to grant temporary status to the applicant immediately on the basis of Annexure A5 scheme.
- (ii) direct the respondents to appoint this applicant as Casual Labourer in the Department in existing or arising vacancy on the strength of his previous experience.
- (iii) declare that the applicant is entitled for appointment as Casual Labourer under the respondents.
- (iv) allow cost of these proceedings.
- (v) any other relief as may be prayed for and the Tribunal may deem fit to grant.

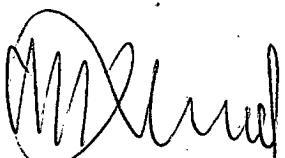
2. When the application came up for hearing on admission, Shri V.D. Balakrishna Kartha appeared for the applicant and Shri M. Rajendrakumar, ACGSC appeared for the respondents. The applicant's challenge against Annexure A4 order is barred by limitation as it was not taken up within a year in terms of Section 21 of the Administrative Tribunals Act, 1985. Regarding other reliefs, the applicant was told by Annexure A4 order itself that his case for re-engagement could not be considered. Further, the applicant has not acquired any right for the reason that he had been engaged for a short while during the period 19986-88. The scheme for grant of temporary status and regularisation was evolved for conferment of temporary status and for regularisation of all the casual labourers currently employed and who had rendered a continuous service of at least one year,

out of which they must have been engaged on work for a period of 240 days. The applicants who were not currently engaged on the date of commencement of the Scheme and had not employed for 240 days of service did not come under the scope of the Scheme.

3. As we find no legitimate grievance which calls for adjudication, this application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985. No costs.

Dated 10th March, 2003.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN,
VICE CHAIRMAN

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