

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 198
T.A. No.

1992

DATE OF DECISION 4.8.92

P.G. Santhosh Applicant (s)

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

Versus
The Sub Divisional Officer, Telecom., Aluva and others Respondent (s)

Mr. K.A. Cherian, 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? 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

MR. S. P. MUKERJI, VICE CHAIRMAN

In this application dated 30th January, 1992,
the applicant has claimed re-engagement, enlist^{ment} in the
seniority list and regularisation in XXX service by virtue
of his alleged previous engagement as casual employee
between 1987 and 1990. His contention is that he has been
working under JTO, Angamaly along with K. Gopalakrishnan,
Lineman. In support of his contention, the applicant has
produced certificate as Annexure-I given by JTO, Angamaly
as also by the Lineman endorsing his previous engagement.

2. The respondents however, have not accepted this
contention on the ground that there is no record to show
that the applicant has been engaged during that period.
They have further argued that there was a ban ^{on} ~~of~~ casual

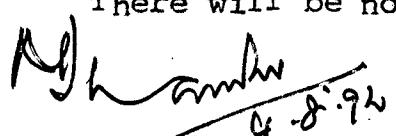
employment after 30.3.1985 and hence the applicant cannot claim any benefit out of his casual employment after 1985.

3. When the case was taken up for argument today, the learned counsel for applicant brought to our notice that the applicant had represented for re-engagement and other consequential benefits vide his representation dated 10.10.1991 which has not so far been ^{replied} ~~replied~~ to and that the applicant will be satisfied if after verification of applicant's previous records and the service from the officials concerned, the applicant is considered for re-engagement and regularisation in his turn, if any fresh hand is being employed as casual employee or if any person who is junior to him with lesser service is being engaged. Learned counsel for respondents has no objection to the case being disposed of on the above lines.

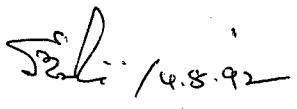
4. In the conspectus of facts and circumstances, we dispose of this application with a direction to Respondent No.2 to dispose of the representation of the applicant dated 10.10.1991 at Annexure-II after verifying from the officials concerned and the records available the factum of the applicant's casual engagement for 683 days from April, 1987 to December, 1990 as averred by him in the representation. Thereafter, the respondents are directed to consider him for casual employment on the basis of his previous casual engagement, if any person with lesser casual service is engaged. Further, the consequential benefits of the applicant being enlisted and regularisation in his turn should also be given to him on the basis of ^{the verified} casual service. Action on the above lines should be completed within a period of two months from the date of receipt of a copy of this order.

5. The application is disposed of with the above directions.

6. There will be no order as to costs.


(N. Dharmadan)
Judicial Member

kmn


(S. P. Mukerji)
Vice Chairman