

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.202/96

Tuesday, this the 14th day of October, 1997.

C O R A M,

HON'BLE SHRI PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE SHRI AM SIVADAS, JUDICIAL MEMBER

....

MK Suseelan, Casual Mazdoor,
X-Bar Telephone Exchange,
Tripunithura (residing at Subi Bhavan,
Kakkanad, Kochi-30).

....Applicant

By Advocate Shri MR Rajendran Nair.

vs

1. The General Manager,
Telecommunications, Ernakulam.
2. The Chief General Manager,
Telecom, Kerala Circle,
Trivandrum.
3. Union of India represented by
Secretary to Government,
Ministry of Communications,
New Delhi.

....Respondents

By Advocate Shri Varghese P Thomas, ACGSC.

O R D E R

HON'BLE SHRI PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant, who is a temporary status casual mazdoor in the Telephone Exchange, Tripunithura, submits that he is entitled to regularisation with effect from 1.3.95, the date on which he completed ten years of service as casual mazdoor in accordance with the scheme prepared in that behalf. Respondents resist this claim on the ground that the applicant had been re-engaged pursuant to the decision of the Tribunal in OA 747/89 (A.1) and in that

contd.

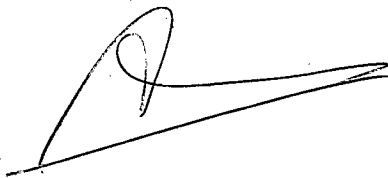
application, the applicant had stated that he would not press for any back wages or retrospective employment or any regularisation. Since the applicant had given such an undertaking, respondents submit that the service rendered by him from 1973 to 1979 cannot be taken into account for purposes of regularisation.

2. Learned counsel for applicant submits that when the OA 747/89 was decided the scheme for regularisation had not yet come into force and that the applicant may not be understood to have waived any future rights for regularisation that might accrue to him as a result of the scheme which was subsequently formulated for regularisation of casual mazdoors.

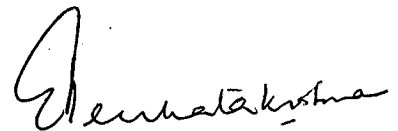
3. We hold that the case of the applicant for regularisation has to be considered by the respondents in the light of the scheme prepared in this behalf despite the undertaking given by the applicant as noted in A.1. The first respondent is accordingly directed to consider the case of the applicant for regularisation notwithstanding the concession made by him in OA 747/89 and take a decision in accordance with the rules. This shall be done within three months of today.

4. Application is disposed of accordingly. No costs.

Dated the 14th October, 1997.



AM SIVADAS
JUDICIAL MEMBER



PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

LIST OF ANNEXURE

1. Annexure A1: Order dated 1.6.1990 in O.A.747/89 by this Tribunal.

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