

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM Bench

DATED TUESDAY THE FIRST DAY OF AUGUST
ONE THOUSAND NINE HUNDRED AND EIGHTY NINE

PRESENT

HON'BLE SHRI N. V. KRISHNAN, ADMINISTRATIVE MEMBER

&

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

O.A. 202/89

K. M. Joseph

Applicant

Vs.

1. The Sub Divisional Officer
Telegraphs, Alleppey,
2. The Sub Divisional Officer
Telegraphs, Shertallai
3. The Divisional Engineer,
Telegraphs, Alleppey

Respondents

M/s. M. R. Rajendran Nair, &
P. V. Asha

Counsel for
the applicant

Mr. T. P. M. Ibrahim Khan, ACGSC

Counsel for
respondents

JUDGEMENT

HON'BLE SHRI N. DHARMADAN, JUDICIAL MEMBER

In this case filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant is aggrieved by the denial of work as Casual Mazdoor and removal of his name from the list of approved Mazdoors.

2. According to the applicant, he worked for a total period of 882 days from 10.6.1975 to 30.9.1980 in the office of the Sub Divisional Officer, Telegraphs, Alleppey

and Annexure-II is the certificate. Thereafter, he was not given employment. But in the reply affidavit filed in this case, the first respondent takes a stand that the applicant had abandoned the work after 1980. The statement in Paragraph 2 of the reply affidavit reads as follows:-


"The applicant was not turning up for any work after 30.9.80 and deserted the work on his own accord."


On the other hand, relying on the following statement in Paragraph 12 of the reply affidavit, "the applicant's name is removed for the reasons mentioned above and the removal is in order and justified," the learned counsel for the applicant contended that the service of the applicant had been terminated in violation of the provisions of the Industrial Disputes Act, 1947,

3. However, after considerable discussion at the bar, we feel that this case can be disposed of in the interest of justice, with certain directions without deciding the controversy, in view of the fact that ^{4/4} there is vacancy in the office of the first ^{or 10/4} respondent, for providing employment to the applicant in future, ~~and that~~ the respondents are willing to consider the question of giving employment to the applicant, while disposing of Annexure-IV representation. Accordingly, we direct the third respondent, before whom Annexure-IV is pending, to dispose of the same and absorb the applicant in one of the vacancies of Casual Mazdoors, if there is no legal bar and consider his claim for the arrears of salary or other benefits due to him in this behalf.

4. We also direct the applicant to establish his claim for such arrears of salary and other consequent benefits before the third respondent and obtain such reliefs as may be permissible under law.

5. We dispose of this application with the above directions but without any order as to costs.


(N. Dharmagan)
Judicial Member
1.8.1989


(N. V. Krishnan)
Administrative Member
1.8.89

knn