

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O.A. No. 217 199 1
~~I.A. No.~~

DATE OF DECISION 1.3.91

C. Chandran Applicant (s)

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

Versus

The Sub Divisional Officer, Respondent (s)
Telegraphs, Palghat and others

Mr. Mathews J. Nedumpara, ACGSO 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. N. DHARMADAN, JUDICIAL MEMBER

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When the matter came/for hearing on admission, we ordered issue of notice to the respondents and accordingly Mr. Mathews, J. Nedumpara, ACGSO appeared on behalf of the respondents.

2. We heard the counsel on both sides and perused the records. The claim of the applicant is that he was engaged by the first respondent for intermittent periods in 1977 as a casual mazdoor. He has produced Annexure-A certificate to establish the period of his engagement by the first respondent. Thereafter, the applicant could not approach the first respondent for work. The Sub Divisional Officer, Telegraphs, Palghat issued a notice Annex inviting applications xxxxxxxx from casual mazdoors who were engaged in the Sub Division prior to 1985. for scrutiny and grant of work to him. Thereafter,

xxxx that the applicant filed this application under section 19 of the Administrative Tribunals Act for a direction to the respondents to issue approval card and re-engage him as casual mazdoor with bottom seniority.


3. The learned counsel for the respondents submitted that the applicant did not file any representation and never claimed the benefit after the Annexure-II notice. This is disputed by the learned counsel for the applicant.

However, we are of the view that this application can be disposed of with a direction to the first respondent to consider the claim of the applicant.

4. Accordingly, we dispose of the application with the following directions:

- i) The applicant shall file a detailed representation with the available records to establish his previous engagement by the first respondent before the Annexure-II notice. This shall be done by the applicant within two weeks from the date of receipt of a copy of this judgment; and
- ii) If such a representation is filed by the applicant the first respondent shall consider the same in the light of the judgment of the Tribunal in O.A. 202/89 and connected cases and dispose of the same within a period of two months from the date of receipt of the representation.

5. The application is allowed to the extent indicated above. There will be no order as to costs.


(N. DHARMADAN) 1.3.91
JUDICIAL MEMBER


1.3.91
(S. P. MUKERJI)
VICE CHAIRMAN