

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 229 1991
T.A. No.

DATE OF DECISION 11. 3.91

C. Babu Applicant (s)

Mr. T A Rajan Advocate for the Applicant (s)

Versus

Union of India represented by Respondent (s)
Secretary, Ministry of Communications, New Delhi & others

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

The applicant is aggrieved by the refusal by the respondents 3 & 4 to engage him as Casual Mazdoor in spite of availability of work.

2. The applicant is a Casual Mazdoor. He submitted that he was originally engaged as a Casual Mazdoor from 1.1.1983 by the third respondent and he was given work continuously for some period till 31.7.1987. Thereafter, ^{also by} the applicant was engaged by the fourth respondent and he worked under him till 30.6.89. Thereafter the respondents 3 & 4 did not give him work in spite of the fact that work is available and his juniors are being engaged by the respondents without considering the claim of the applicant. Hence the prayer made in this case is that this Tribunal may declare that the denial of employment to the applicant by the respondents is illegal.

He also seeks for a direction to the respondents to regularise him in service.

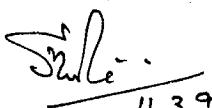
3. We have heard the learned counsel for both of the parties and after careful examination/the documents produced in this case, we are satisfied that justice will be met in this case if this application is disposed of with the direction to the second respondent.

4. We have considered similar matters and disposed of with directions directing the applicant therein to file representations with available documents to establish his previous service before the concerned authority for granting the relief prayed for in these cases.

5. Accordingly we direct the applicant to file a detailed representation before the second respondent with the certificates Annexure-I to Annexure-III and further documents to establish his previous service under respondents 3 & 4. The applicant shall file the representation within two weeks from the date of receipt of a copy of the judgment. If such a representation is filed as directed above, the second respondent shall consider the claim of the applicant and dispose of the same within a period of two months from the date of receipt of the representation. In case the second respondent is satisfied that the applicant's claim of the previous engagement by respondents 3 & 4 is correct, the applicant should be given work along with the juniors and after including his name also in the Muster Rolls, according to his seniority. The application is disposed of on the above lines. There will be no order as to costs.


(N. DHARMADAN)
JUDICIAL MEMBER

11.3.91


(S. P. MUKERJI)
VICE CHAIRMAN

11.3.91