

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.231/98

Tuesday, this the 30th day of March, 1999.

CORAM:

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR B.N.BAHADUR, ADMINISTRATIVE MEMBER

P.K.Yesudas,
Casual Mazdoor,
Telegraph Office,
Palarivattom,
Cochin-682 025.

- Applicant

By Advocate Mr M.V.Somarajan

Vs

1. Union of India represented by
its Secretary,
Ministry of Communications,
New Delhi.
2. The Chief General Manager,
Telecommunications,
Kerala Circle,
Trivandrum.
3. The Senior Superintendent,
Telegraph Traffic,
Ernakulam,
Cochin-682 016.
4. The Sub Divisional Engineer,
Central Telegraph Office,
Cochin-682 016.
5. The Junior Telecom Officer(In-charge),
Telegraph Office,
Palarivattom,
Cochin-682 025.

- Respondents

By Advocate Mr Sunil Jose, ACGSC

The application having been heard on 30.3.99, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN


The grievance of the applicant who is presently working
as a Casual Mazdoor in the Telegraph Office, Palarivattom, is that

though he has been working since 1984 as a Casual Mazdoor actually performing more than eight hours work a day, he is not being paid the due wages and not being considered for grant of temporary status and regularisation in accordance with the scheme for grant of temporary status and regularisation evolved in the department. Therefore he has filed this application for a declaration that he is eligible for grant of temporary status and regularisation and for a direction to the 4th respondent to confer him temporary status with effect from 21.4.95 with all other consequential benefits.


2. The respondents in their reply statement have denied the allegations in the application and contend that the applicant is not entitled to the benefit of the scheme for grant of temporary status and regularisation. The allegation that the applicant is being put to work eight hours or more a day is also denied. For a proper disposal of this application it is necessary to adjudicate on the facts as to whether the applicant is actually put to work for eight hours a day. Such a fact adjudication can be better made by a competent authority in the department. Under these circumstances, we dispose of this application with a direction to the third respondent to look into the grievance of the applicant giving the applicant an opportunity of personal hearing and considering the materials available in the office of the 4th respondent and to take an appropriate decision in the matter. If the third respondent on such fact adjudication is convinced that the applicant as a Casual Mazdoor performing eight hours work a day, the necessary benefits flowing from such a decision, namely, the wages commensurate with the work and the benefit of the scheme of grant of temporary status and regularisation etc. shall also be extended to him. A decision in the above matter shall be taken

and communicated to the applicant by the third respondent within a period of four months from the date of receipt of a copy of this order. No costs.

Dated, the 30th of March, 1999.



(B.N. BAHADUR)
ADMINISTRATIVE MEMBER


(A.V. HARIDASAN)
VICE CHAIRMAN

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