

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 250 of 1991
T. A. No.

DATE OF DECISION 15-10 1991

KV Vijayan & 2 others Applicant (s)

Mr MR Rajendran Nair Advocate for the Applicant (s)

Versus

Sub Divisional Officer, Respondent (s)
Telegraphs, Cherthala & 2 others

Mr V Ajith Narayanan, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. NV Krishnan, Administrative Member

&

The Hon'ble Mr. AV Haridasan, 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? *Yes*
4. To be circulated to all Benches of the Tribunal? *Yes*

JUDGEMENT

(Mr AV Haridasan, Judicial Member)

The grievance of the applicants who are Casual Mazdoors under the Sub Divisional Officer, Telegraphs, Cherthala is that though they have been given temporary status by memo dated 22.12.1989, the respondents have denied employment to the applicants on several days while they had employed persons who are juniors to them on those days though they ^{had} reported for work. The applicants therefore pray that the respondents may be directed to pay them the wages for the days on which they were kept out of employment while work was provided to the juniors and ~~that they should be further directed~~ not to terminate


the services of the applicants. It has been averred in the application that under similar circumstances aggrieved persons have filed OA-422/90 and this Tribunal has disposed of that application with a direction to the respondents to consider the question on the basis of the representation to be submitted by the applicants therein and to grant them the relief.

2. The respondents in the reply **affidavit** have contended that the applicants have not made it clear as to which junior was engaged on which date and that there is no substance in the claim of the averment that ^{the} applicants were kept disengaged while juniors to them were engaged.

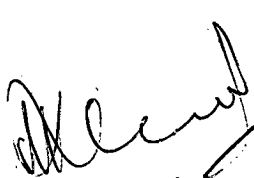
3. When the application came up for final hearing before us, the learned counsel for the applicant invited our attention to the judgement of this Tribunal in OA-422/90 in which exactly identical contentions were raised by the parties and submitted that this application can also be disposed of in tune with the judgement in that case. The learned counsel for the respondents also has no objection in doing so.

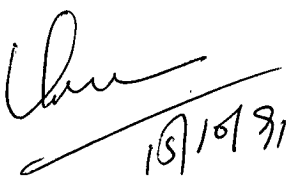
4. In the result, the application is disposed of with a direction to the applicants to submit a joint representation before the first respondent giving details of days on which they presented themselves before the first respondent for work but was not given work while their juniors were given, giving

..3...



sufficient details of the juniors so engaged within a period
of two weeks from the date of receipt of ^{a copy of} the judgement and
with a direction to the first respondent to dispose of the
said representation, if so received, within a period of two
months from the date of receipt of such representation, in
accordance with law, on verification of the data furnished
by the applicants and to make payment, if they are found
eligible, within a period of one month thereafter. There
is no order as to costs.


(AV HARIDASAN)
JUDICIAL MEMBER


(NV KRISHNAN)
ADMVE. MEMBER

15-10-1991

trs