

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATED FRIDAY THE NINTH DAY OF JUNE
ONE THOUSAND NINE HUNDRED AND EIGHTY NINE

PRESENT

HON'BLE SHRI S. P. MUKERJI, VICE CHAIRMAN

&

HON'BLE SHRI G. S. SHARMA, JUDICIAL MEMBER

O.A. 257/87

V. G. Krishnankutty

Applicant

Vs.

1. The Telecom District Engineer,
Kottayam

2. The Sub Divisional Officer
Telegraphs, Kanjirappally

3. Shri A. N. Ramakrishnan Nair,
Junior Engineer, Telephones,
Kottayam and

4. Smt. K. Chellamma, Part-time Sweeper,
Ponkunnam Telephone Exchange

Respondents

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

Counsel for
the applicant

Mr. P. Santhalingam, ACGSC

Counsel for
Respondents
1 & 2

ORDER

Shri S. P. Mukerji

In this application dated 6.4.1987 filed under
Section 19 of the Administrative Tribunals Act, the
applicant who has been working as Casual Mazdoor, has
prayed that the selection of Respondent No. 4 for

regular appointment in Group 'D' should be set aside and Respondents 1 & 2 be directed to include the applicant's name in the Select List. The facts of the case lie with a narrow compass and can be summarised as follows. The applicant has been working as a Casual Mazdoor along with others and for regularisation in Group 'D', a Select List of eligible candidates strictly in the order of the number of days put in by them was issued as at Annexure II by the Telecom District Engineer, Kottayam on 19.3.1987 for admission to test and interview. In this list, the applicant's name was at Sl. No. 15 with 2587 days of service put in whereas Respondent -4 Smt. K. Chellamma was at Sl. No. 21 with 2464.5 days of service. It appears that subsequent to the issue of this list, various candidates put in proof of their additional service as a result of which Respondent-4 got precedence over the applicant and got the regular appointment. The case of the applicant is that he has been representing for inclusion of another 10 days of service from 1.3.1979 to 10.3.1979 when he was doing Muster or Bill Roll works. Because of some interpretation regarding the type of work that he was doing, this period was not included and his representation remained unattended and hence, certificate of experience was not issued for

this period. The learned counsel for the applicant fairly argued that the applicant will be satisfied if this period is considered for inclusion in his total service and on the basis of the revised working days his seniority vis-a-vis Respondent-4 and others be re-determined and the question of his regular appointment decided. The learned counsel indicated that the applicant is withdrawing his prayer so far as quashing of the appointment of Respondent-4 is concerned, but prays that on the basis of his over all gradation in the Seniority List on the basis of his revised length of service, his case should be decided. ⁵ ~~reconsidered~~

2. In view of the above facts and argument, we allow the application to the extent of directing the respondents ^{in accordance with law} to consider including the ten days of service as aforesaid ⁶ in the total experience period of the applicant and on ^{revised} the basis of his ⁷ gradation in the Seniority List of all the candidates consider his regular appointment in accordance with Law. We also direct ^{that} ⁸ the decision about the candidate's seniority and consequential benefit of appointment be taken within a period of two months from the date of communication of this order.

Subj
(G. S. Sharma)
Judicial Member
9.6.1989

S. P. Mukerji
(S. P. Mukerji)
Vice Chairman
9.6.1989