

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.266/2001.

Thursday this the 18th day of April 2002.

CORAM:

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

1. M.Jayachandran,  
Kutenthazhathu Veedu,  
T.C.10/1983, Randamada,  
Vattiyoorkavu P.O.,  
Thiruvananthapuram.
2. V.K.Ashokkumar,  
T.C.9/1848 (TC 9/2546),  
Indu Bhavan, Janvilla Lane,  
Sasthamangalam, Thiruvananthapuram.
3. P.Sukumaran Nair,  
Karuvilakathu Veedu, Koliyacode,  
Thiruvananthapuram.
4. K.Anil Kumar,  
T.C.44/1283, New TC 43/10161.  
Puthuvel Veedu, Vijayamma Bhavanam,  
Muttathara, Manacaud. Applicants

(By Advocate Shri Sasidharan Chempazhanthiyil)

Vs.

1. Sub Divisional Engineer,  
Central Telegraph Office,  
Bharat Sanchar Nigam Ltd.,  
Thiruvananthapuram.
2. Senior Superintendent of Telegraph Traffic,  
Office of the General Manager,  
Telecom District, Bharat Sanchar Nigam Ltd.,  
Thiruvananthapuram.
3. General Manager, Telecom District,  
Bharat Sanchar Nigam Ltd.,  
Thiruvananthapuram.
4. Bharat Sanchar Nigam Ltd., represented by its  
Chairman, New Delhi-1.
5. Union of India, represented by Secretary,  
Ministry of Communications, New Delhi-1.
6. Rajagopala Das A, Telegraphman, D.T.O.,  
Chalai, Thiruvananthapuram.
7. Ganesh V, Telegraphman, D.T.O.,  
Chalai, Thiruvananthapuram.
8. Sasi K, Telegraphman, D.T.P., Chalai,  
Thiruvananthapuram.

9. G.Appu, Telegraphman, C.T.O., Statue, Tiruvananthapuram.
  10. Vijayan V, Telegraphman, CTO, Statue, Thiruvananthapuram.
  11. Vijayan T, Telegraphman, CTO, Statue, Thiruvananthapuram.
- Respondents

(By Advocate Shri Sunil Jose, ACGSC(R.1-5))

The application having been heard on 18th April 2002 the Tribunal on the same day delivered the following:

O R D E R

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

The applicants, four in number, sponsored by the Employment Exchange were selected for engagement for 30 days as Casual Labourer under the respondents. When the applicants were not considered for further engagement and when a notification was issued by the Employment Exchange calling for fresh nomination, they filed O.A.680/00 which was rejected. However, limiting of engagement of casual labourer for 100 days in the order was subsequently set aside by the Tribunal in O.A.199/2000 which was followed in O.A.960/00. When the applicants came to know that an interview was being held for nominees of the Employment Exchange for engagement on casual basis under the respondents, the applicants made representations seeking consideration along with the Employment Exchange sponsored candidates. No reply was given. Finding that they are not likely to be called for interview, the applicants have filed this application for a direction to the respondents to consider the applicants also alongwith the employment Exchange candidates for engagement as Telegraphmen in the year 2001 and to consider and pass orders on A6 and A8 representations.

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2. The respondents have filed a reply statement. However, they contend that in deference to the interim order issued by this Tribunal in this case as also in other cases, the applicants in this case as also others in whose favour interim orders are there, have to be called for interview.

3. When the O.A. came up for hearing taking note of the fact that the limiting casual engagement as 100 days has been struck down by the Tribunal and that the Hon'ble High Court has upheld the decision in O.P.35428/00 and in view of the ruling of the Apex Court in Excise Superintendent, Malkapatnam, Krishna District A.P. Vs. KBN Visweshwara Rao (1996 6 SCC 216), counsel on either side agree that the application may be disposed of directing the respondents to consider the applicants also along with the candidates sponsored by the employment exchange as and when the respondents consider engagement of Telegraphmen on casual basis.

4. In the light of the above submission, the application is disposed of directing the respondents to consider the applicants also for engagement as Telegraphmen even though their names were not sponsored by the Employment Exchange. No costs.

Dated the 18th April, 2002.



A.V. HARIDASAN  
VICE CHAIRMAN

A P P E N D I X

Applicants' Annexures:

1. A-1: True copy of memo No.ES/Hire-Lab/2000 dt.25.2.2000 of the 2nd respondent.
2. A-2: True copy of requisition No.ES/Hire-Lab/1/2000 dt.4.1.2000 of the 2nd respondent.
3. A-3: True copy of order dt.8.8.2000 in OA NO.680/2000.
4. A-4: True copy of office memorandum No.269-4/93-STN-II(PT.) dt.15.6.1999 issued by the Director General, Telecom Department.
5. A-5: True copy of memo No.ST.439/TA1/I/115 dt.1.8.2000 of the 3rd respondent.
6. A-6: True copy of the representation dt.26.2.2001 to the 3rd respondent.
7. A-7: True photo copy of the acknowledgment receipt signed by the respondent.
8. A-8: True copy of the representation dt.12.3.2001 to the 1st & 2nd respondents.
9. A-9: True copy of the judgement in O.P.No.14493 OF 2001-S of the Hon'ble High Court of Kerala, Ernakulam dated 20.8.2001.

Respondents' Annexures:

1. R-1: A copy of letter No.ES/Hire-Lab/2001/11 dated 21.3.2001 issued by the respondent No.2.

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