

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.268/93

Monday, this the 7th day of February, 1994.

**SHRI N DHARMADAN, MEMBER(J)**

**SHRI S KASIPANDIAN, MEMBER(A)**

K Muraleedharan,  
S/o Kelappa Pillai, Aged 32 years,  
Temporary Status Madoor,  
Telephone Sub-Division,  
Alappuzha. - Applicant

By Advocate Mr MR Rajendran Nair

Vs.

1. The Sub Divisional Officer,  
Telecom, Alappuzha.
2. The Telecom District Manager,  
Alappuzha.
3. Union of India, represented by  
Secretary to Government,  
Ministry of Communications,  
New Delhi. - Respondents

By Advocate Mr TPM Ibrahimkhan, ACGSC

O R D E R

**N DHARMADAN, MEMBER(J)**

Applicant is coming for the second time for getting regularisation on the ground that his juniors have been regularised in preference to him.

2. Earlier when the applicant filed OAK-248/87, this Tribunal disposed of the same directing the respondents to consider the case of the applicant. Pursuant to the direction, applicant was granted temporary status and the benefit of inclusion in the Annexure-II list. According to the applicant, he is at Sl.No.9. Some of the juniors who have been placed below the applicant have been regularised.

Hence, he filed Annexure-IV representation before the second respondent which has not been disposed of so far.

3. Respondents relied on Annexure R-2(A) proceedings of the Assistant Director General(STN) dated 3.1.1992 and submitted that the regularisation of temporary status mazdoors will be done in a phased manner and the minimum requirement is ten years service as on 31.12.1991. Clause(1) of Annexure R-2(A) is extracted below:

"The regularisation of 'Temporary Status Mazdoors' will be done in a phased manner. In the first instance 'Temporary Status Mazdoors' who have put in 10 years service or more as on 31.12.91, will be considered for regularisation. Thereafter the regularisation will be done on year to year basis at the end of each financial year, i.e. 'Temporary Status Mazdoors' with ten years service as on 31st March of each year."

4. Respondents have taken the stand in the reply that applicant has abandoned the work after 3.3.1981. In Annexure-I judgement, we have stated that the applicant in that case worked from 1981 to 86 for short spells. But according to the respondents, the applicant has not fulfilled the eligibility criteria as shown in Annexure R-2(A). He has not satisfied 10 years continuous service. The earlier OA was filed by one Shri Vijayan, the applicant and few others. The service particulars of the applicants were not separately considered in the earlier case in the light of Annexure R-2(A). Hence it is a disputed fact as to whether the applicant has satisfied the requirements for regularisation. This dispute is to be resolved by the second respondent with reference to the available records and evidence.

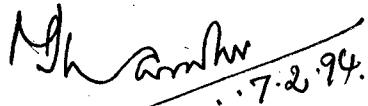
5. Since the second respondent is seized of the matter, we are of the view that justice would be met in this case if we dispose of the application with direction to the second respondent to consider the claim of the applicant for regularisation in Group 'D' post in accordance with law while disposing of Annexure-IV representation.

This shall be done within a period of four months from the date of receipt of a copy of this order.

6. The application is disposed of as above. There will be no order as to costs.

  
(S KASIPANDIAN)

MEMBER(A)

  
(N DHARMADAN)  
MEMBER(J)

TRS