

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATE: 29.6.93

O.A. 269/92

P.A. Madhu
S/o Arjunan
Padannayil, Tripunithura P.O.
Thekkumbhagam

Applicant

vs.

1. The General Manager,
Telecommunications, Ernakulam
2. The Sub Divisional Officer,
Telegraphs, Aluva and
3. The Union of India represented by
Secretary to Government, Ministry
of Communications, New Delhi

Respondents

Mr. M.R. Rajendran Nair

Advocate for applicant

Mr. C. Kochugani Nair

Advocate for respondents

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THE HON'BLE SHRI N. DHARMADAN JUDICIAL MEMBER

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THE HON'BLE SHRI R. RANGARAJAN ADMINISTRATIVE MEMBER

JUDGMENT

HON'BLE MR. N. DHARMADAN JUDICIAL MEMBER

Applicant is a casual mazdoor. He seeks re-engagement taking into consideration his past service under second respondent.

2. According to applicant he worked as casual mazdoor from 13.4.87 to 21.7.87 for 100 days. Certificate has been issued by the Jr. Engineer (Phones), Mulanthuruthy. He was not given approval card while the same was issued to various

other similarly situated casual mazdoors. Hence, he has filed representation which was considered and rejected by Annexure-I order. The said order is extracted below:

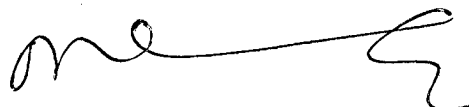
"The representation of Shri Madhu P.A. has been carefully considered and it is to be intimated that there is no provision in the rules to re-employ any casual mazdoor whose absence is more than six months and rules do not permit any fresh intake of mazdoor after 31.3.85."

3. Respondents have not filed any reply in this case in spite of more than a dozen ^{postings and 4 was 4} opportunity given to them for filing reply.

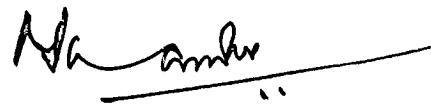
4. After hearing learned counsel for both parties, we are satisfied that ⁴Annexure-I is ~~illegal~~. It is brought ⁴to our notice that similar issue was considered by this Tribunal in O.A. 1027/91 and other connected cases. We disposed of similar cases with appropriate direction in the light of the decision of this Tribunal as also the decision of Supreme Court and other courts on the issue.

5. Having regard to the facts and circumstances of the case, we are of the view that Annexure-I is unsustainable and it is to be quashed. We do so. We direct first respondent to reconsider the claim of the applicant for getting re-engagement in the light of ⁴the law laid down by this Tribunal as also by the Supreme Court and other courts. This shall be done within a period of three months from the date of receipt of a copy of this judgment.

6. The application is accordingly disposed of with the above directions. There shall be no order as to costs.



(R. RANGARAJAN)
ADMINISTRATIVE MEMBER



(N. DHARMADAN)
JUDICIAL MEMBER

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. To be circulated to all Benches of the Tribunal?

List of Annexures

1. Annexure A-1: impugned order dated 27.8.91