

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.269/2000

Thursday this the 30th day of November, 2000

CORAM

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

1. M.F. Sebastian, S/o Francis,
aged 34 years, Munachilikulam,
Shanmughapuram, Thachapuzha Lane,
Pachalam.
2. Antony K.O. S/o K.P.Ouseph,
aged 42 years, Karumathi House,
Nayathode PO,
Angamaly, Ernakulam.

...Applicants

(By Adocate Mr. M.R.Hariraj)

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1. Union of India represented by the
Secretary to Government of India,
Ministry of Communications,
New Delhi.
2. The Chief General Manager,
Telecom Kerala Circle,
Trivandrum.
3. The General Manager,
Telecom, Ernakulam.

..Respondents

(By Advocate Mr.P.Vijayakumar (rep. by Ms.Heera))

The application having been heard on 30.11.2000, the
Tribunal on the same day delivered the following:

O R D E R

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

Applicants now two in number who have claimed
to have rendered 158 days of casual service from 1.7.83
to 1.12.83 and 467 days of casual service from 1978 to
1979 submitted representations for inclusion of their
name in the panel to be prepared for engagement of
casual labourers pursuant to a notification issued in
February, 1995 on the basis of the orders of the
Tribunal in OA 1402/93 and connected cases. Their

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grievance is that their names have not been included in the panel prepared. The applicants have, therefore, filed this application for a declaration that their non-empanelment as approved casual mazdoors is illegal and for a direction to the respondents to empanel the applicant as approved mazdoors and to engage them for casual work on the basis of their placement in the panel of approved casual mazdoors in preference to freshers and outsiders.

2. The respondents resist the claim of the applicants. They contend that as the Ist applicant has approached after a period of eleven years from the date of last engagement and the second applicant after a period of sixteen years after the date of last engagement claiming empanelment and reengagement they are not entitled to such benefit because the respondents have adopted a policy in accordance with the directions contained in the judgment of the Tribunal in O.A.1027/91 and connected cases that requests for reengagement from approved casual mazdoors beyond a period of seven years and unapproved casual mazdoors beyond a period of three years would not be considered and that therefore, the applicants who have approached for reengagement after a lapse of eleven and sixteen years respectively are not entitled to the benefit of empanelment and reengagement.

3. On a careful scrutiny of the pleadings and materials and on hearing the learned counsel, I am of the considered view that the respondents cannot be faulted for not empanelling the applicants for engagement because they have approached after inordinate

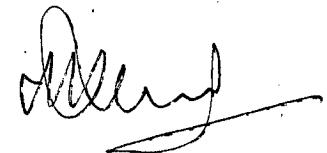
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delay. The policy evolved is consistant with the directions contained in the Tribunal's order in OA.1027/91 and connected cases, I find that the applicants do not have a legitimate cause of action. The application is therefore dismissed leaving the parties to bear their own costs.

Dated the 30th day of November, 2000



G. RAMA KRISHNA

A.V. HARIDASAN
VICE CHAIRMAN

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