

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O.A. No 270
T.A. No.

of

1991

DATE OF DECISION 25-2-1991

KG Selvaraj & 10 others Applicant (s)

Mr G Sasidharan Chempazanthiyil Advocate for the Applicant (s)

Versus

Telephone District Manager, Respondent (s)

Trivandrum & 2 others

Mr KA Cherian, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. SP Mukerji, Vice Chairman

&

The Hon'ble Mr. AV Haridasan, Judicial Member

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

JUDGEMENT

(Mr SP Mukerji, Vice Chairman)

We have heard the learned counsel for the parties on this application filed by 10 casual workers and the All Kerala Retrenched Casual Mazdoor Association praying that the respondents should be directed to issue casual labour cards to the applicants and other casual labourers who had worked in Trivandrum Telephone District prior to 7.5.1985, in the light of the instructions issued by the Department of Personnel dated 7.5.1985 at Annexure-A. The applicants have also prayed that the respondents be directed to resort to fresh recruitment of casual labourers only after employing the unemployed casual labourers in Trivandrum Telephone District including the applicants. Their further prayer is that a further opportunity

should be given to the applicants for the issue of casual labour cards to show that they have^h worked prior to 7.5.1985. The applicants' case is that they were being engaged as casual mazdoors under the Telephone District Manager, Trivandrum even though their names had not been obtained through the Employment Exchange. The Department of Personnel issued O.M. dated 7.5.1985 at Annexure-A giving a one time exemption for casual workers recruited before the issue of these instructions for being considered for regular appointment to Group 'D' post even if they were recruited otherwise than through Employment Exchange. The relevant para of the afore-said O.M. is quoted below:

"Though these persons, may have been continuing as casual workers for a number of years, they are not eligible for regular appointment and their services may be terminated anytime. Having regard to the fact that casual workers belong to the weaker section of the society and termination of their services will cause undue hardship to them, it has been decided, as a one time measure, in consultation with the DGET that casual workers recruited before the issue of these instructions may be considered for regular appointment to Group-D posts, in terms of the general instructions even if they were recruited otherwise than, through the employment exchange, provided they are eligible for regular appointment in all other respects."

Their ~~further~~^h contention is that while in other Districts casual workers of their category who had been employed prior to 7.5.1985 without being sponsored by the Employment Exchange, have been issued casual labour cards and ^{are} being regularised, in accordance with the instructions of the D.G., Telecommunications at Annexure-B₂. The applicants in Trivandrum Telecom District have been subjected to hostile discrimination and even casual labour cards have not been issued to them much less

^h
their ~~and~~ ^h
~~they~~ being considered for regularisation in Group 'D' post.

The learned counsel for the applicants contended that even though the applicants ^{were called upon for} production of documentary evidence before the competent authority to establish their previous employment they have not been informed about the outcome of the interview nor ^{they} have been given casual labour card. ~~was issued to~~ ^h
~~them~~. Some of the applicants, however, were given intermittent casual employment but they have been under a sense of insecurity because of non-issue of the casual labour cards.

2. In the conspectus of facts and circumstances, we admit the application, allowing all the applicants to join ^a a single application and dispose of the same, only with the following direction:

The applicants should, if so advised, submit a representation to respondent-1 within a period of 2 weeks from the date of communication of this order praying for the issue of casual labour card, ^{for} re-engagement as casual mazdoor and ^{for} regularisation, along with all documentary evidence to substantiate their claim of being in casual employment prior to 7.5.1985. The respondent-1 is directed to dispose ^{of} all the representations and grant necessary relief, in accordance with law, after taking into account the documentary evidence produced by the applicants and also in possession of the respondents within a period of three months from the date of receipt of the representations. There is no order as to costs.


(AV HARIDASAN)
JUDICIAL MEMBER


(SP MUKERJI)
VICE CHAIRMAN