

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.28/2001

Monday, this the 19th day of February, 2001.

CORAM:

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

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

V.K.George,
S/o Kurian,
Aravindath, now residing at:
Vallaparambil House,
N.E.Ward, Vaikom.P.O. - Applicant

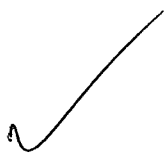
By Advocate Mr MA Shihabudin

Vs

1. Union of India represented by
its Secretary,
Ministry of Communications,
New Delhi.
2. Bharath Sanchar Nigam Limited,
represented by its Chairman and
Managing Director,
Sanchar Bhavan,
New Delhi.
3. The Chief General Manager,
Kerala Telecom Circle,
Bharath Sanchar Nigam Limited,
Thiruvananthapuram.
4. General Manager,
Telecom,
BSNL, Kottayam Telecom District,
Kottayam.
5. General Manager, Telecom,
BSNL, Alappuzha Telecom District,
Alappuzha. - Respondents

By Advocate Ms Rajeswari, ACGSC

The application having been heard on 19.2.2001, the Tribunal on
the same day delivered the following:



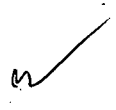
O R D E R

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

The applicant who claims to have been previously engaged as a Casual Labourer under the respondents, filed O.A.No.1294/99 claiming re-engagement. The O.A. was disposed of directing the first respondent, the General Manager, Telecom, Kottayam to consider and pass appropriate orders on the representation of the applicant(A-5). Pursuant to the above direction, the 4th respondent has now issued the impugned order dated 30.12.99 wherein it has been stated that the applicant failed to produce any evidence of his previous engagement, apart from a Mazdoor identity card of the year 1977-78 and that as the applicant has not established that he had ever been engaged, his claim could not be entertained. Aggrieved by that, the applicant has filed this application. It has been alleged in the application that though the applicant was first taken as a Casual Mazdoor in Alappuzha Sub Division, as is seen in A-2 identity card, on his request for a change to Chengannur Sub Division was approved vide No.CHCT/472/78, that he was transferred by order dated 19.9.1980 by Chengannur SDO to Palai Sub Division, that he was not informed of that and that his representation for regularisation did not evince any response and that ultimately he made a representation dated 12.5.98 claiming reengagement and regularisation seeking benefit of the judgement of this Tribunal in O.A.No.1402/93 and that the request made in the representation has been rejected unjustifiably by the impugned order. The applicant seeks to set aside the impugned order

and for a direction to the respondents to reengage the giving him the benefit of the judgement of this Bench of the Tribunal in O.A.1402/93.

2. On a careful scrutiny of the material placed on record we find that there is no subsisting or valid cause of action of the applicant which calls for admission of the application. In O.A.1027/91 and connected cases, the Tribunal had considered the right of erstwhile casual labourers. It has been laid down in the order in those cases that the department need not consider the claims of approved casual mazdoors made beyond 7 years and of unapproved casual mazdoors made beyond three years of last engagement. The applicant has not placed on record any evidence to show that he was engaged last within 7 years of the date of his representation made on 12.5.98. Apart from A-2 which is only an identity card, there is nothing at all on record to show that the applicant had at any time been engaged on the basis of the card, the decision of the respondents rejecting his claim for reengagement contained in A-5 order cannot be faulted even prima facie. As the applicant has not placed on record anything to show that he had been engaged as a casual labourer within 7 years from the date of his representation, we find that he has no subsisting cause of action to maintain the application.



3. In the light of what is stated above, the Original Application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated, the 19th February, 2001.



T.N.T.NAYAR
ADMINISTRATIVE MEMBER



A.V.HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURES REFERRED TO IN THE ORDER:

1. A-2: True copy of the Identity Card of Mazdoor issued to the applicant by the Sub Divisional Officer, Alappuzha.
2. A-5: True copy of the order No.EII/8/28 dated 30.12.99 issued by the 4th respondent.