

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATE: 29.6.93

O.A. 287/92

P.K. Rajappan
S/o Azhakan Kannan
Kalatharayil Veedu,
Othara P.O., Thiruvalla

Applicant

vs.

1. The Sub Divisional Officer
Telegraphs, Mavelikara
2. The Chief General Manager (Telecom)
Kerala Circle, Trivandrum
3. Union of India represented by
Secretary to Government
Ministry of Communications,
New Delhi

Respondents

Mr. M.R. Rajendran Nair

Advocate for
applicant

MR. T.P.M. Ibrahim Khan, ACGSC

Advocate for
respondents

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THE HON'BLE MR. N. DHARMADAN JUDICIAL MEMBER

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THE HON'BLE MR. R. RANGARAJAN ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the judgment? *No*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the judgment? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGMENT

MR. N. DHARMADAN JUDICIAL MEMBER

Applicant is a casual mazdoor who has come for the second time for getting direction to re-engage him as ^{include in} casual mazdoor and ~~enlist~~ his name with bottom seniority. Earlier when he filed O.A. 1687/91, we disposed of the application at the admission stage itself after hearing ^{with} learned counsel for respondents with the direction to respondents to dispose of applicant's representation in accordance with law. Pursuant to the same, Annexure.I has been passed which is challenged in this application.

2. According to applicant he worked as a casual mazdoor from 5.3.84 to 1.5.85. He claims that in the light of recent decision of this Tribunal he is entitled to re-engagement and enlistment with bottom seniority.

3. Respondents have filed reply and contended that applicant has abandoned work and he remained absent for the last six and half years. Hence he is not entitled to any relief and the application is to be dismissed. Learned counsel for respondents also submitted that in the light of law laid down by the Tribunal applicant has no legal right to be re-engaged.

4. However, the matter requires further examination by the second respondent in the light of law laid down by the Tribunal and Supreme Court on the question of right of casual mazdoors for re-engagement.

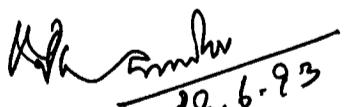
5. In this view of the matter, we dispose of the application with appropriate direction. Accordingly, we direct the second respondent to consider the claim of applicant for re-engagement taking into consideration his prior service in the light of law laid down by the Tribunal notwithstanding Annexure-I. 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 disposed of on the above lines.

7. There shall be no order as to costs.



(R. RANGARAJAN)
ADMINISTRATIVE MEMBER


29.6.93

(N. DHARMADAN)
JUDICIAL MEMBER

29.6.93

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List of Annexures

1. Annexure -I Order No. ST-II/28-121/91 dated 30.6.91
from CGMT, Trivandrum addressed to the applicant