

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.290/97

Tuesday, this the 4th day of August, 1998.

CORAM:

HON'BLE MR A M SIVADAS, JUDICIAL MEMBER

R. Parameswaran,
S/o. C. Ramakrishna Pillai,
Temporary Status Casual Mazdoor,
Departmental Canteen,
Telephone Exchange, Trichur
residing at 'Devi Sadanam',
P.O. Thaikkattussery,
Edakkunni, Ollur.

...Applicant

By Advocate Mr.M. Paul Varghese

Vs.

1. General Manager,
Telecommunications,
Thrissur - 680 020.
2. Chief General Manager,
Telecommunications,
Kerala Circle,
Thiruvananthapuram - 695 033.
3. Union of India,
represented by Secretary to Government,
Ministry of Communications,
New Delhi.

...Respondents

By Advocate Mr. MHJ David J, ACGSC

The application having been heard on 4.8.98, the
Tribunal on the same day delivered the following:

ORDER

The applicant seeks to declare that he is eligible to
be regularised with effect from 1.4.1995 and to direct the
respondents to appoint him as regular Mazdoor retrospec-
tively with effect from 1.4.1995 with all consequential
benefits.

2. The applicant says that he was first engaged as
casual labourer in the Departmental Canteen at the Telephone
Exchange, Thrissur on 24.4.1984 and afterwards he was

engaged on different dates as casual labourer and Watchman at Telephone Exchange, Thrissur. Temporary Status was conferred upon the applicant as per A-3. Though he has completed ten years of service he is not regularised.

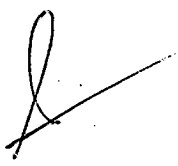
3. The respondents resist the application contending that the applicant's service prior to the attainment of his 18th year cannot be taken into consideration and that he was engaged in the Departmental Canteen and was paid remuneration from the funds of Departmental Canteen only.

4. The learned counsel appearing for the applicant relying on the Rulings in OA 1098/92, OA 713/94 and OA 990/94 of this Bench of the Tribunal submitted that the service of the applicant prior to the attainment of 18 years of age cannot be ignored by the respondents.

5. The learned counsel appearing for the applicant also submitted that the respondents cannot rely on R2 and contend that the service of the applicant prior to the attainment of 18 years cannot be taken into consideration for the reason that it is only in respect of those casual labourers who were engaged prior to 1.4.80 and the applicant was engaged for the first time on 24.4.1984.

6. In A-5 it is stated that regarding the case of the applicant and another person, they have not completed 10 years of Departmental service as on 31.3.95 and the service rendered by them prior to 23.6.86 can be considered as canteen service only as the payment was made from Canteen Account.

7. The applicant submitted A-8 representation to the first respondent for the redressal of his grievances. Though it is dated 24.12.96, it is submitted that the same has not been disposed of till date.

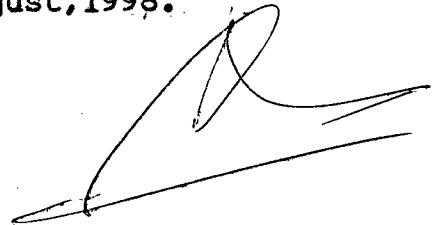


8. The learned counsel appearing for the applicant submitted that though A-8 representation is still pending before the first respondent, since the same is not comprehensive, the applicant may be permitted to submit a comprehensive representation before the first respondent and the first respondent may be directed to dispose of the same within a reasonable period. The learned counsel appearing for the respondents submitted that there is no objection for adopting such a course.

9. The applicant is permitted to submit a comprehensive representation to the first respondent within two weeks of today. If such a representation is received, the first respondent shall consider the same and pass a speaking order within two months from the date of receipt of the representation.

10. OA is disposed of as above. No costs.

Dated the 4th day of August, 1998.

A handwritten signature in black ink, appearing to be 'A M Sivadas', written over a horizontal line.

A M SIVADAS
JUDICIAL MEMBER