

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 292 1992.

DATE OF DECISION 1.4.93

P.R. Sathyanesa Kurup Applicant (s)

Mr. M.R. Rajendran Nair Advocate for the Applicant (s)

Versus

The Sub Divisional Officer, Respondent (s)
Telegraphs, Mavelikara and others

Mr. K.A. Cherian, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N. DHARMADAN JUDICIAL MEMBER

The Hon'ble Mr. R. RANGARAJAN ADMINISTRATIVE 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. N. DHARMADAN JUDICIAL MEMBER

The grievance of the applicant is against the first respondent's denial to re-engage him considering his past service from 8.6.81 to 31.3.82.

2. According to the applicant, he worked as casual mazdoor under the SDOT, Thiruvalla from 8.6.81 to 31.3.82. He was also given approval card No. TLA 484 by the SDOT, Thiruvalla which was transferred to Mavelikkara when a sub division was established. Admittedly, he worked for more than 220 days in the year 1981-82. His case of absence due to illness from 1982 to 90 has not been condoned since he has

not produced any satisfactory evidence in support of the same.

However, it is not necessary for us to go into the merit of the issue because there is an admission in para 6 of the counter affidavit. The same is extracted below:

"The applicant remained absent for a long period even though work was available. So he can only be treated at par with fresh hands. Fresh engagement of casual mazdoors is banned by the department vide DGP&T letter No. 270/6/84-STN dated 30.3.85. "

3. The learned counsel for applicant is satisfied that the applicant may also be treated as a fresh candidate by including his name in the approved list of casual mazdoors and give him work as and when work is available and fresh hands are engaged. Accordingly, we record the submission and dispose of the application with the direction to the respondents to include the applicant in the approved list of casual mazdoors with bottom seniority and engage him if work is available and any fresh hands are taken for casual work because the ban does not apply to him.

4. In regard to applicant's prayer for continuity of service, we are not expressing our final opinion. We leave it to the respondents to take appropriate decision on the basis of materials produced by the applicant.

5. There will be no order as to costs.


(R. RANGARAJAN)

ADMINISTRATIVE MEMBER


(N. DHARMADAN) 1.4.93

JUDICIAL MEMBER

1.4.93

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