

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No. 310/92  
~~XXXXXX~~

199

DATE OF DECISION 5.3.1992

MC Karunakaran Applicant (s)

Mr K Ramakumar Advocate for the Applicant (s)

Union of India <sup>Versus</sup> Rep. by the  
Secretary, Ministry of Defence Respondent (s)  
New Delhi and others

Mr V Krishnakumar, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. SP Mukerji, Vice Chairman  
and

The Hon'ble Mr. N Dharmadan, Judicial Member

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

JUDGEMENT

Sh N Dharmadan, J.M

The applicant was appointed as a casual labourer in the Naval Academy Project, Ezhimala, Kannur District on 1st October, 1987 as per Annexure-A and <sup>to</sup> continued to work in that Project for about 2 years. However, his services have been terminated on 5.9.89. Thereafter, his request for reengagement was not granted having regard to the fact that he had been engaged previously. Hence, the applicant has filed representations before the respondents, one of which is at Annexure B dated 5.6.90 addressed to Respondent-2. It is in these circumstances <sup>that</sup> the applicant has prayed for the following reliefs:

- (i) To direct the respondents to take the applicant back in service and regularise his service in the Naval Academy, Ezhimala and to grant him all the consequential and attendant benefits.

(ii) To issue such other orders or directions as this Hon'ble Tribunal may deem, fit and proper in the circumstances of the case."

2 When the application came up for admission on 24.2.92 the learned counsel for the respondents who received a copy of the original application sought some time to get instructions as to the position regarding disposal of the representation.

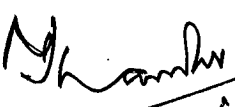
3 To-day when the matter came up for admission again, the learned counsel for the respondents, on the basis of the instructions, submitted, that the applicant was engaged in the Naval Academy, Ezhimala <sup>for his work of a project 2</sup> which came to an end in September, 1989. Thereafter, the applicant's services became unnecessary. <sup>for engaging a counsel 2</sup> The practice prevalent <sup>is</sup> to engage only persons sponsored by the Employment Exchange. Since the applicant's name was not sponsored by the Employment Exchange, his reengagement was not considered.

4 However, the learned counsel for the applicant submitted that the applicant would be satisfied if the application is disposed of with direction to the respondents to consider <sup>by</sup> the Annexure B representation dated 5.6.90 submitted by the applicant. The learned counsel for the respondents, however, has no objection for adopting this course.


5 Accordingly, we feel that the interest of justice would be met in this case, if the application is disposed of with appropriate directions. In this view of the matter,

we admit this application and dispose of the same directing the Respondent No. 2 to dispose of Annexure-B representation in accordance with law with<sup>in</sup> a period of<sub>2</sub> one month from the date of receipt of a copy of this order.

6. The application is disposed as above. There will be no order as to costs.

  
(N. DHARMADAN)  
JUDICIAL MEMBER

5.3.92

  
(S. P. MUKERJI)  
VICE CHAIRMAN

5.3.92

5.3.92