

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 315 of 1993

DATE OF DECISION 2-6-1993

V P Sankaran \_\_\_\_\_ Applicant (s)

M/s MR Rajendran Nair \_\_\_\_\_ Advocate for the Applicant (s)

Versus  
Chief General Manager  
Telecommunications, Kerala  
Circle, Trivandrum and others Respondent (s)

Mr Tomy Sebastian, ACGSC \_\_\_\_\_ Advocate for the Respondent (s)

## CORAM :

The Hon'ble Mr. N Dharmadan, Judicial Member

and

The Hon'ble Mr. R Rangarajan, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Y
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

Shri N Dharmadan, J.M

Applicant is a casual mazdoor who commenced service since 1969 and continued upto 24.8.85. He has produced Annexures I, II & IV certificates to support his claim for past service. He has filed Annexure-III representation dated 18.7.86 for getting re-engagement. Thereafter, he has filed further representations at Annexures V, VI and VII for the same relief.

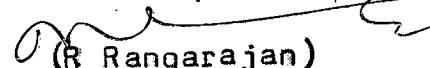
2. At the time when the case came up for admission, we directed the learned counsel for the respondents to get instructions and verify whether the representations have

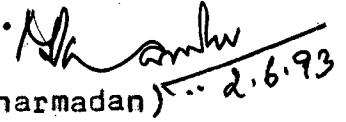
been disposed of. He produced an order dated 27.3.90 disposing of the representation filed by the applicant dated 10.1.90 in which ~~it was~~<sup>4</sup> stated that as per the Department of Telecommunication's Circular dated 30.8.89, casual labourers who were absent cannot be regularised when the absence is more than one year.

Since the ~~absent~~<sup>4</sup> of the applicant in the instant case is more than one year, his case cannot be considered.

3 In the light of Annexure-IX letter dated 29.5.92,<sup>4</sup> learned counsel for the applicant submitted ~~that the applicant has all the right~~ to condone the break in service for regularisation of the applicant's service. However, it is not necessary for us to go into the merits at this stage when the question pertaining to absorption of casual labourers having prior service have been considered by this Tribunal in OA 1027/91 and connected cases. The Supreme Court and other Courts also dealt with this issue earlier. However, since the claim of the applicant has not been considered by the respondents in the light of the recent decision referred to above, it is fair and proper to dispose of the application directing the respondent-1 to consider the case of the applicant and dispose it of in accordance with law. We do so and that the directions/observations should be complied within a period of three months from the date of receipt of a copy of this judgment.

4 There will be no order as to costs.

  
(R. Rangarajan)  
Administrative Member

  
(N. Dharmadhan)  
Judicial Member