

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.315/2001 & OA No.383/2001

Wednesday this the 23rd day of May, 2001

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T NAYAR, ADMINISTRATIVE MEMBER

OA No. 315/2001:

1. Jayachandran V.K. TC No.27/717
Valiya Thekkethil House,
Rishimangalam, Vanchiyoore,
Thiruvananthapuram.
2. Prasannakumaran P
Payvilakath Vadakka Puthen Veedu,
Karimankulam, Vathiyoor kavu PO
Thiruvananthapuram.
3. Bhuvanendran Nair K
Elenghamvilakam Kunchu Veedu,
Karikkakom, Beach PO.

...Applicants

(By Advocate Mr. D.Kishore)

V.

1. Sub Divisional Engineer,
Central Telegraph Office,
Bharat Sanchar Nigam Limited
Thiruvananthapuram.
2. Senior Superintendent of Telegraph
Traffic, Office of the General Manager,
Telecom District, Bharat Sanchar
Nigam Limited, Thiruvananthapuram.
3. General Manager, Telecom District,
Bharat Sanchar Nigam Ltd.
Thiruvananthapuram.
4. Bharat Sanchar Nigam Limited,
represented by its Chairman,
New Delhi.1.
5. Union of India represented by its
Secretary, Ministry of Communications,
New Delhi.1.

...Respondents

(By Advocate Mr.Govindh K Bharathan (rep)

OA No.383/2001:

1. S.Jose Sam, Puthuvel Putenveedu
Erappakuzhi, Chettivilakom PO,
Thiruvananthapuram.
2. K.Udayakumaran Nair,
Thakiduyil Puthen Veedu,
Ambalathara, Poonthara,
Thiruvananthapuram.

contd....

3. S.Suvarnakumar,
Sindhu Sadanam,
Paloorkonam South,
Pravachamblam, Nemom PO,
Thiruvananthapuram.
4. B.Asok Kumar,
Vayalnikathiya Puthen Veedu,
TC 14/1646, Lenin Nagar,
Vazhuthacaud, Thiruvananthapuram. ...Applicants

(By Advocate Mr. D.Kishore)

V.

1. Sub Divisional Engineer,
Central Telegraph Office,
Bharat Sanchar Nigam Ltd.
Thiruvananthapuram.
 2. Senior Superintendent of Telegraph Traffic,
Office of the General Manager,
Telecom District, Bharat Sanchar
Nigam Ltd, Thiruvananthapuram.
 3. General Manager, Telecom District,
Bharat Sanchar Nigam Limited,
Thiruvananthapuram.
 4. Bharat Sanchar Nigam Ltd.
represented by its Chairman,
New Delhi.1.
 5. Union of India represented by its
Secretary, Ministry of communications,
New Delhi.1. ...Respondents
- (By Advocate Mr. Govindh K Bharathan (rep.))

The applications having been heard on 23.5.2001, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicants who had rendered service as contract labourers on hiring basis have filed this application for a direction to the respondents to consider them also for engagement as Telegraphmen in the year 2001 alongwith the candidates sponsored by the Employment Exchange.

contd....

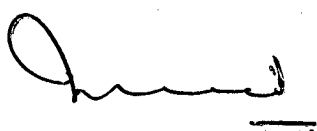
.3.

2. The respondents contend that this would go against the principle of rotation followed and those who were sponsored by the Employment Exchange alone can be considered.

3. We have heard the learned counsel on either side. Learned counsel of the respondents relied on the decision of the High Court of Kerala in OP No.25056/2000 wherein the prayer of the applicants who are similarly situated for continuance till others are engaged have been rejected on the ground that that would cause hurdle in the chance of others waiting for engagement. The facts of these cases are different. In the case before the High Court those who were in service on the basis of earlier engagement wanted to continue in service. In these cases, what the applicants seek is only a consideration for engagement alongwith the employment exchange sponsored candidates placing reliance on the decision of the Apex Court in Excise Supdt. Malkapattanam, A.P. Vs. KBN Visweswara Rao & ors 1996 (6) SCC 216 that apart from nominees of the employment exchange, those who applied direct pursuant to local advertisement have also to be considered for selection for engagement or appointment. In view of the above ruling of the Apex Court the case of the applicants for consideration for engagement cannot be neglected.

4. In the light of what is stated above, the applications are allowed. Respondents are directed to consider the applicants also for engagement as contract Telegraphmen in the year 2001. No costs.

Dated the 23rd day of May, 2001



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

(s)