

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 317 of 1993

DATE OF DECISION 24.02-1993

P. Nirmla Applicant (s)

M/s M.R.Rajendran Nair & C. Harikrishnan Advocate for the Applicant (s)

Versus

Sub Divisional Officer, Respondent (s)  
Telegraphs, P-alakad and another

Mr. M. Gopalan, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. S. P. Mukerji, Vice Chairman  
and

The Hon'ble Mr. A. V. Haridasan, 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

(Hon'ble Shri S. P. Mukerji, Vice Chairman)

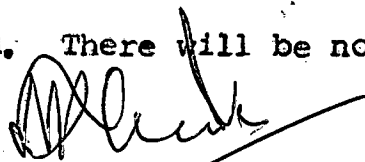
In this application dated 10.2.1993 filed under Section 19 of the Administrative Tribunals Act the applicant, who according to her, had been working as Part-time-Sweeper Cum Water Carrier at Padagiri Telephone Exchange between January, 1978 and April, 1979 has prayed that the order at Annexure.2 dated 5.11.92 rejecting her representation should be set aside and she should be declared to be entitled to be re-engaged as a casual mazdoor with bottom seniority and that the respondents be directed to reengage her for casual work subject to availability of work in preference <sup>to</sup> ~~of~~ her juniors and outsiders, and to enlist her name in the approved list of casual mazdoors and <sup>to</sup> issue of approval card.

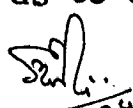
2. The impugned order at Annexure.2 dated 5.11.92 states that "since you had left the work on your own, no action could be taken at this time after a lapse of 13 years". The applicant thereafter represented on 24.12.92 ~~clearly~~ denying that she had left the duty on her own and clarified that "consequent on the regular posting of Part-time employee Shri P.Chandran on 5.5.79 at Padagiri Exchange" her services were not required. This representation which clearly arises out of the reasons given in the impugned order at Annexure.2 has not yet been disposed of. The contention of the learned counsel for the respondents that the application is hopelessly time barred would have persuaded us to accept the same but for the fact that the respondents themselves had indicated in the impugned order the reason why her request could not be accepted. That reasoning was challenged by the applicant in the representation dated 24.12.92 which is still hanging fire.

3. In the above circumstances, we do not find that the application can be dismissed peremptorily as time barred.

4. When the case was taken up for admission today, the learned counsel for both the parties agreed that the application can be disposed of with appropriate directions regarding disposal of the representation dated 24.12.92 at Annexure.3.

5. In the circumstances, we admit this application and dispose of the same with the direction to the Respondent No.1 to consider and dispose of the representation of the applicant dated 24.12.92 at Annexure-3 within a period of two months from the date of receipt of a copy of this judgment. A speaking order should be communicated to the applicant within that period. There will be no order as to costs.

  
(AV Haridasan)  
Judicial Member

  
24.2.93  
(SP Mukerji)  
Vice Chairman

24.2.93

ks.