

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No.
F. A. No.

320

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DATE OF DECISION 24.11.92

K. Appukuttan Nair Applicant (s)

Mr. S. Subhash Chand Advocate for the Applicant (s)

Versus

Union of India represented by Respondent (s)
the General Manager, Telecoms, Trivandrum and
others

Mr. V. Ajith Narayanan, ACGSC Advocate for the Respondent (s)

CORAM :

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

The Hon'ble Mr. N. Dharmadan, Judicial 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. S. P. MUKERJI, VICE CHAIRMAN

We have heard learned counsel for both parties on this application in which the applicant has challenged the impugned list of regular casual mazdoors at Annexure-C and has prayed that his name should be included in the list at the appropriate place and that he should be regularised as group-D employee taking into his date of entry as 4.3.1981. In support of his claim, he has relied upon the judgment of this Tribunal dated 2.3.90 at Annexure-A in O.A. 667/89. The operative portion of that judgment reads as follows:

"Accordingly, we allow the application and direct the respondents to re-employ the applicant as Approved Casual Mazdoor by including his name in the approved list of Casual Mazdoors at the proper place, considering his date of entry as 4.3.81 within a period of three months from the date of receipt of the judgment and give him engagement according to his turn."

2. On 4.3.92 this Tribunal directed the respondents as an interim measure to include the name of the applicant provisionally at the appropriate place in the list of temporary status mazdoors who have completed 10 years of service as on 31.12.91 at Annexure-C if any person whose date of entry on or later than 4.3.81 is included in that list. In implementation of the interim order, we had to call Mr. A.M. Chacko, Telecom. District Engineer, Thiruvalla in person on 20.10.92 when he appeared and stated that orders regarding applicant's regularisation will be issued within a period of one month from that date.

3. When the case was taken up today, the learned counsel for respondents produced the orders issued by the Telecom. District Engineer, Thiruvalla which reads as follows:

"As per directions contained in the interim order of Hon'ble CAT, Ernakulam dated 20.10.92 on O.A. 320/92 and CP(C)101/92 Sri K. Appukuttan Nair, Veringal house, Valanjavattoon East P.O. Tiruvalla is posted as Regular Mazdoor under SDOT, Tiruvalla. He is directed to report to SDOT, Tiruvalla for duty as Regular Mazdoor. This posting is only provisional and subject to the final orders of the court.

The regularisation will be effected on joining duty as Regular Mazdoor. The seniority is fixed at 73rd place among the mazdoors regularised as on 31.12.91."

4. From the above, it is clear that the respondents have regularised the applicant provisionally subject to the final orders in the Original Application and have also fixed his seniority among the mazdoors at 73rd place as on 31.12.91.

5. Having heard learned counsel for both parties and having gone through the records, we are clear in our mind that as per the judgment of this Tribunal dated 2.3.90 referred to above, the applicant's date of entry as casual mazdoor has to be taken as 4.3.81. Since the respondents have regularised those casual mazdoors who has put in 10 years of casual service, the applicant is fully entitled to be regularised in a group-D post. Respondents have provisionally

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regularised him but appropriate position in the seniority list does not seem to have been given to him on the basis of his date of entry being 4.3.81.

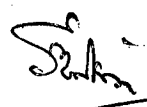
6. In the above circumstances, we allow this application with a direction that the applicant's name shall be included in the list of temporary status mazdoors who have put in 10 years of service as on 31.12.91 at the appropriate position by considering his date of entry as 4.3.81 fixed as per the judgment at Annexure-A and that he should be considered for being regularised strictly in accordance with his seniority in the list of temporary status mazdoors. We however, make it clear that if any casual mazdoor whose date of entry is later than 4.3.81 has been regularised the applicant also should be regularised on the basis of his date of entry being 4.3.81.

7. The application is allowed with the above directions.

8. There will be no order as to costs.

9. The CCP 101/92 is also closed.


(N. Dharmadan)
Judicial Member


(S.P. Mukerji)
Vice Chairman

24.11.92

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