

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 325/92
~~XXXXXX~~

109

DATE OF DECISION 31-8-1992

N Krishna Pillai Applicant (s)

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

Versus
The Telecom District Manager
Kollam and others. Respondent (s)

Mr VV Sidharthan, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. PS Habeeb Mohamed, Administrative Member
and

The Hon'ble Mr. N Dharmadan, Judicial 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

The applicant is a casual mazdoor having prior service under Respondent-3. This is supported by Annexure-II certificate issued by Respondent-3. He is aggrieved by the refusal of the respondents to re-engage him for work. His representation in this behalf was also rejected as per the impugned order at Annexure -I of Respondent-1, the Telecom District Manager, Kollam. The order is extracted below:

" Your representation dated 27.12.91 has been gone through in detail and the following facts are noticed.

" From the certificate produced, it is seen that you had worked under Trivandrum SSA when Punalur Sub Division was under the Control of Trivandrum SSA. Punalur Sub Division was merged with Kollam SSA only w.e.f. 1.11.86. As such you are directed to address GM Telecom District, Trivandrum in this matter. Now due to the prevailing of ban orders on recruitment of CMS and due to non availability work, we are not in a position to enlist your name in Kollam SSA based on your service rendered in Trivandrum SSA."

2 According to the applicant, this order is illegal and it is liable to be quashed. The applicant is prepared to work ~~xxxxxx~~ in any of the Sub Divisions where work is available, if he is engaged with bottom seniority after enlisting him.

3 Respondents in the reply filed in this case admitted the prior service of the applicant under the Cable Splicer for 277 days, from March 1984 to October 1986, but they have submitted that because of the ban for the recruitment of casual labourers, as per letter of Director General dated 30.3.85, the applicant cannot be engaged as casual mazdoor. It is further submitted that the application is liable to be dismissed.

4 After the perusal of the impugned order at Annexure-I, it is seen that the Telecom District Manager, Quilon is inclined to direct him to raise his claim for re-engaging before the Trivandrum SSA for the reason that when he was working under Respondent-3, Punalur Sub Division was under Trivandrum SSA. He, however, stated that there is no work available under Quilon SSA.

5 Learned counsel for the applicant submitted that the applicant is prepared to work anywhere, either in Trivandrum SSA or in Quilon SSA, if work is given.


6 Having regard to the facts and circumstances of the case, we are of the view that the applicant can be enlisted in the Punalur Sub Division where he had worked under Respondent-3 during 1984 to 1986 which

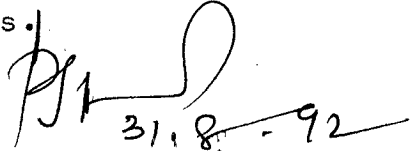
is established, by the certificates at Annexure-II.

Since the applicant's prior service under Respondent-3 has been admitted, it will be fair and proper to direct Respondent-3 to enlist the applicant as Casual Mazdoor with bottom seniority and give him work and wages whenever work is available, taking into consideration his prior service under Respondent-3.

7 In this view of the matter, we allow the application to the extent indicated above notwithstanding the observations contained in Annexure-I order.

8 There will be no order as to costs.


(N Dharmadan)
Judicial Member


(PS Habeeb Mohamed)
Administrative Member

31-8-1992