

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 326/92 ~~188~~

DATE OF DECISION 25.5.1993.

Shri P Aruchami Applicant (s)

Shri MR Rajendran Nair Advocate for the Applicant (x)

Versus

S.O.O. T., Alathur & another Respondent (s)

Shri FPM Ibrahim Khan, ACGSC Advocate for the Respondent (s)
Shri KS Bahuleyan

CORAM :

The Hon'ble Mr. N. Dharmadan - Judicial Member
&

The Hon'ble Mr. R. Rangarajan - Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement? 4
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 N Dharmadan, JM)

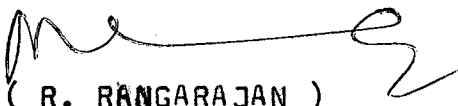
The applicant has come ^{up} for the second time before the Tribunal for getting re-engagement and regularisation on the basis of his past service under the 1st respondent. Earlier, when the applicant approached this Tribunal claiming that he was having continuous service under the 1st respondent from 1988, we disposed of the case with direction to consider his ^{representation &} by the competent authority. Consequently, Annexure V order dated nil was passed disposing of the representation submitted by the applicant on 8.4.91. In this application filed under Section 19 of the

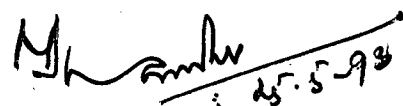
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Administrative Tribunals Act, he has challenged the aforesaid order and an earlier order also dated 25.5.91. While admitting the application, we ~~had~~^{have} directed the respondents to engage the applicant in preference to persons who have rendered lesser number of days of casual service under the 1st respondent on October, 1990. Thereafter, the applicant was re-engaged by the 1st respondent on the basis of an order dated 12.3.92. The learned counsel for the applicant produced the ~~same~~^{order} for our perusal. It has been stated in the order that the engagement of the applicant was purely provisional and subject to the outcome of the Original Application.

2. It was also brought to our notice that in connected cases raising similar issues in DA 1027/91, this Tribunal considered the question elaborately and decided ^{this claim of regularization} and laid down the principles for re-engagement. In the light of the ^{order} said judgement, the learned counsel for the respondents submitted that the DA may be dismissed. On the other hand, the learned counsel for the applicant argued that the applicant having worked continuously from 1988, the applicant's services can be terminated only in accordance with law. ~~_____~~

3. Now, having regard to the nature of the interim order and also the circumstances that the applicant is working continuously under the respondents from 1988, we are of the view that this application can be disposed of with the observation that the status quo of the applicant may be maintained till the respondents take an appropriate decision in the matter in accordance with law. Accordingly, the application is disposed of with the above said observation.


(R. RANGARAJAN)
Administrative Member


(N. DHARMADAN)
Judicial Member

25.5.93