

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No.343/99

Wednesday, this the 2nd day of February, 2000.

CORAM:

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

C.P. Mohammed Haneefa,
S/o. C.P. Beerankutty,
residing at: Ammathoor House,
P.O. Vallikkunnu North, (via)
Kadalundi Nagaram,
Malappuram District - 673 314.

..Applicant

By Advocate Mr. M.R. Rajendran Nair

Vs.

1. The General Manager,
Telecom, Calicut.
2. The Chief General Manager,
Telecom, Kerala Circle,
Trivandrum.
3. Union of India represented by
Secretary to Government of India,
Ministry of Communications,
New Delhi.

..Respondents

By Advocate Mr. George Joseph, ACGSC

The application having been heard on 2.2.2000, the
Tribunal on the same day delivered the following:

ORDER

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

The applicant seeks to declare that he is eligible to be reengaged as casual workman and included in the list of approved casual mazdoors and to direct the respondents to reengage him including his name in the list of approved casual mazdoors on the basis of his past service.

2. Applicant says that after his selection as casual mazdoor, he was engaged by the respondents and as on 30.6.85, he had worked for 378 days. After 31.7.86, he could not work due to health


contd..2/-

reasons. He recovered only after undergoing a surgical operation in the year 1994. On recovery from his illness, he approached the department for engagement as casual labourer. His request was rejected saying that his name is not included in the approved list of casual mazdoors of Calicut S.S.A. Thereafter, he submitted a representation to the 1st respondent dated 3.11.97 (A-5). There was no response to the same.

3. Respondents contend that the representation of the applicant dated 3.7.97 did not state any additional points or facts required to be replied. The applicant had submitted an application for empanelment which was received by the said Divisional Officer, Telecom, Erode on 25.5.95 whereas the last date for receipt of applications was 30.4.95.

4. Applicant says specifically that he submitted A-5 representation dated 3.11.97 and there is no response to the same. Respondents say that representation dated 3.7.97 of the applicant did not state any additional points or facts required to be replied. No copy of the representation of the applicant dated 3.7.97 has been produced by the respondents upon which they rely in the reply statement. If it is a case that the representation dated 3.7.97 did not state any additional points or facts required to be replied, it is only in respect of the representation dated 3.7.97 and not in respect of A-5 representation dated 3.11.97. The learned counsel appearing for the applicant submitted that A-5 is not exhaustive and the applicant may be permitted to submit a supplemental representation stating further facts which are necessary to be considered by the authority concerned including

contd..3/-



the reason for the delay in submitting the application for empanelment.

5. Considering the facts and circumstances of the case, it appears to be only proper to permit the applicant to submit a supplemental representation to the 1st respondent and to direct the 1st respondent to consider A-5 along with the supplemental representation, if received and to pass appropriate orders.

6. Accordingly, the applicant is permitted to submit a supplemental representation within three weeks from today. The 1st respondent shall consider A-5 and also the supplemental representation, if received and pass appropriate orders within three months from today.

7. O.A. is disposed of as above. No costs.

Dated this the 2nd day of February, 2000.



A.M. SIVADAS
JUDICIAL MEMBER

nv/2/2/2000

LIST OF ANNEXURES REFERRED TO IN THIS ORDER

Annexure A-5: True copy of the representation dated 3.11.97 submitted by the applicant to the 1st respondent.