

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 346/92
XXXXXX

199

DATE OF DECISION 2.3.1992

N Surendran

Applicant (s)

Mr MR Rajendran Nair

Advocate for the Applicant (s)

The Divisional Engineer,
Telegraphs, Palakkad &
others.

Respondent (s)

Mr Mathew J Nedumpara, ACGSC

Advocate for the Respondent (s).

CORAM:

The Hon'ble Mr. SP Mukerji, Vice Chairman

and

The Hon'ble Mr. AV Haridasan, 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

Sh SP Mukerji, V.C

We have heard the arguments of the learned counsel of both the parties on this application in which the applicant had been seeking reengagement as casual mazdoor. His earlier representation seeking redressal ~~which~~ culminated in the order of this Tribunal dated 18.1.91 at Annexure III(a) in which the respondents were directed to consider his representation after taking into account of the documents that may be in their possession about his previous engagement. Pursuant to that order dated 18.1.91, the respondents have passed a conditional order on his representation. Copy of that order is at Annexure-I dated 9.7.91 calling upon him to furnish further evidence as regards his previous employment. The applicant could not produce any further documents, but in his reply at Annexure-II, he gave details of his

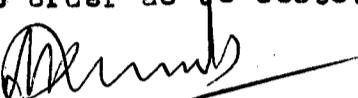
previous engagement in the same Sub Division not only from the exact dates from which he was employed but also the types of work and the Supervisory Officers under whom he worked.

2 Respondents have not reacted to this further communication. The learned counsel for the respondents indicated that the conditional order at Annexure-I was taken into account by the respondents while issuing the final order as the applicant did not produce any further documentary evidence. In the interest of justice, ^{to be} _{and the spirit of} the directions of this Tribunal, the minimum that the respondents could have done ^{was} _{is} to verify the particulars of the employment that the applicant averred in his representation at Annexure A-II and pass final orders on his representation.

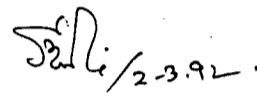
3 In the circumstance, we admit the application and having heard the learned counsel of both the parties, dispose of the same with direction to the respondent-2 to pass suitable final order in continuation of the order at Annexure-I on the applicant's representation taking into account the particulars of his employment given in his reply dated 23.7.91 at Annexure-II. Final decision on the representation should be taken after verifying the particulars of employment that he gave in his reply, ^{if} _{is} necessary, by examining the concerned Supervisory Officer indicated at Annexure-II.

4 Final orders on his representation on the above line should be passed by the respondents within a period of 4 weeks from the date of communication of this order. The applicant should be given casual employment on the basis of his proven previous employment, if work is available.

5 The application is disposed as above and there is no order as to costs.



(AV Haridasan)
Judicial Member


SP
2-3-92

(SP Mukerji)
Vice Chairman

2-3-1992