

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

DATE OF DECISION: 12.2.1990

P R E S E N T

HON'BLE MR.N.V.KRISHNAN - ADMINISTRATIVE MEMBER

AND

HON'BLE MR.A.V.HARIDASAN - JUDICIAL MEMBER

ORIGINAL APPLICATION NO.35/90

B.E.Thankamani - Applicant

Versus

1. Union of India rep. by
Secretary, Ministry of
Communications, New Delhi.

2. The Telecom. District
Manager, Ernakulam.

3. Assistant Engineer,
A.C.Power Telephone
Exchange, Ernakulam. - Respondents

M/s S.Subramani &
R.Jagadeesh Kumar - Counsel for applicant

Mr.PVM Nambiar,SCGSC - Counsel for respondents.

O R D E R

(Mr.N.V.Krishnan, Administrative Member)

Heard.

The applicant seeks a direction to the respondents to allow her to join as sweeper in the third respondent's office as she has been holding that post since, 1983.

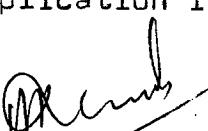
2. The respondents have filed a statement. Annexure-R.1 shows that the applicant has worked for 18 days in 1983 and thereafter she was engaged in 1986 and thereafter intermittently for some time in each year till 1988.

It is stated by the respondents that there are only five posts of Sweepers of which 4 are held by regular Group 'D' employees and one by a Casual Mazdoor. Whenever any short term vacancy arose as a result of any one of them going on leave or remaining absent, the respondents engaged casual workers who were available. In this process, the applicant will also be engaged in the usual course.

3. The counsel for the applicant was somewhat concerned by para-4 of the statement which is to the effect that casual workers not available for engagement for one year or more are ineligible for further employment. He contends that it is not as if that the applicant was not available after 4.10.1988 as seems to be suggested by Ext.R.1. He produced a temporary pass No.255 issued to the applicant on 12.9.1989 ostensibly for engagement as casual worker.

4. The respondents are therefore, directed not to hold out the provisions of the circular dated 31.12.1985 *in future* against the applicant in so far as engagement is concerned.

5. We find that in the light of what has been stated above, *prima facie*, there is no case for admission. Hence, the application is rejected but with the above observation.


(A.V.HARIDASAN)
JUDICIAL MEMBER


(N.V.KRISHNAN)
ADMINISTRATIVE MEMBER

12.2.1990