

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 356 of 2000

Monday, this the 14th day of August, 2000.

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

1. G. Haridas,
S/o K. Gopalan Nair,
Ex-Casual Mazdoor,
(Sub Divisional Officer/Telegraphs,
Kayamkulam), Residing at:
Chulliyil House,
Thulamparambu North,
Mannarssala PO, Haripad.Applicant

By Advocate Mr. T.C. Govindaswamy

Versus

1. Union of India, represented by
Secretary to the Government of India,
Department of Telecom,
Ministry of Communication, New Delhi.
2. The General Manager,
Telecom District, Alappuzha.
3. The Chief General Manager,
Telecom Kerala Circle,
Trivandrum.
4. The Sub Divisional Officer,
Telegraphs, Kayamkulam.Respondents

By Advocate Mr. K. Shri Hari Rao, ACGSC

The application having been heard on the 14th August, 2000,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

The applicant seeks to quash A7, to declare that he is
entitled to be included in Part 'B' of A3 at the appropriate
place and to grant consequential relief of engagement as
casual mazdoor in his turn.

2. The applicant says that A7, the impugned order, is violative of Articles 14 and 16 of the Constitution of India, that he submitted relevant documents attested by competent officers in proof of his service as also his age, educational qualification etc., that he submitted A8 representation, that he was called for an interview in terms of letter dated 14-11-1986 (Kayamkulam) for inclusion of his name in the approved list and that it is without any substance to say that he has abandoned work.

3. Respondents resist the OA contending that the applicant, an unapproved mazdoor, did not approach any officer of the Department for re-engagement within three years of his last engagement, that he has not produced any valid certificate issued by a gazetted officer, and that he has not satisfied with any of the guidelines laid down by this Bench of the Tribunal in OA 1402/93.

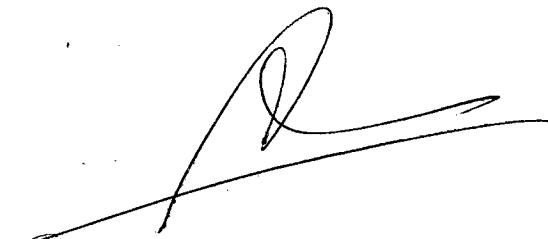
4. The applicant herein approached this Bench of the Tribunal earlier by filing OA 1227/91. There it was found by this Bench of the Tribunal that he has not produced any documentary proof about his previous employment and has not explained why he kept silent for four years between 1982 and 1986. The impugned order A7 also says that the applicant abandoned work on his own after 13-4-1982 till 1986. Though the earlier OA of the applicant, i.e. OA 1227/91, was rejected, it was stated therein that he can be considered for engagement as a fresh recruit if the respondents lift or relax the ban on employment of fresh casual employees and that too if and when he is registered with the Employment Exchange.

5. The learned counsel appearing for the applicant submitted that the applicant has registered with the Employment Exchange. The learned counsel appearing for the respondents submitted that the ban has been lifted now. That being so, the applicant is to be considered for engagement as a fresh recruit on production of the Employment Exchange registration card.

6. Accordingly, the respondents are directed to consider the applicant for engagement as a fresh recruit, if the applicant produces the Employment Exchange registration card within three weeks from today, and for consequential benefits, if any, entitled according to the rules.

7. The Original Application is disposed of as above. No costs.

Monday, this the 14th day of August, 2000



A.M. SIVADAS
JUDICIAL MEMBER

ak.

List of Annexures referred to in this Order:

1. A3 True copy of the list bearing No. E27/Empanelment/54 dated 10-3-99 issued by the O/o. General Manager, Dept. of Telecom, Alappuzha-11
2. A7 True copy of the Order No. LCIV/O.A.1321/99/5 of 14-2-2000 issued by the 2nd respondent.
3. A8 True copy of the representation dated 27-6-88 submitted by the applicant to the 4th respondent.