

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No. 358 of 1992

~~XXXXXX~~

109

DATE OF DECISION 7-4-1993

Punathil Cheriyan

Applicant (s)

M/s Pulikool Abubacker

Advocate for the Applicant (s)

Union of India <sup>Versus</sup> rep. by the  
Secretary Ministry of Surface  
Transport, Govt. of India, Respondent (s)  
New Delhi and others.

Mr KA Cherian, ACGSC

Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N Dharmadan, Judicial Member  
and

The Hon'ble Mr. R Rangarajan, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
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

Mr N Dharmadan, J.M

The applicant who had admittedly worked as Mazdoor at Light House, Kadaloor Point since 1981 is aggrieved by the termination in October, 1981.

2 According to the applicant he was <sup>6</sup>taken as Mazdoor by the Respondent-2 in 1981 and he was allowed to work for more than 240 days in every year. He was doing the cleaning work in the Light House promptly and to the complete satisfaction of Respondent-2. Even though he was satisfactorily discharging his duties, he was not regularised in service. According to the applicant, there is vacancy and he can be regularised in the service. Nevertheless, he was not allowed to work from October 1991 onwards. Hence, he has filed this application under Section 19 of the Administrative Tribunals'

Act of 1985 for a direction to the respondents to reengage him as Mazdoor in the Light House and to regularise him in service taking into consideration ~~of~~ his past service.

3 Respondents filed a reply statement in which they have admitted the following period of engagement as casual mazdoor purely on casual basis on daily wages, as given below:-

<u>Sl.No.</u>	<u>Year.</u>	<u>No. of days of engagement</u>
1	1983	12 days
2	1984	33 "
3	1985	57 "
4	1986	117 "
5	1987	20 "
6	1988	123 "
7	1989	42 "
8	1990	8 "
9	1991	23 " "


4 According to the learned counsel for the respondents, it is the usual practice to engage a daily-wage-Mazdoor locally by the Station -in-Charge at a fixed daily wages. The applicant was also taken in that manner when work was available, but at present there is no work available to engage him. Learned counsel for the applicant submitted <sup>was</sup> that the work ~~which~~ carried out by the applicant was being engaging <sup>by</sup> done by another person. However, this statement is denied by the learned counsel for the respondents.

5 Having heard the counsel on both side, we are of the view that this application can be disposed of with appropriate directions, in the interest of justice. Accordingly, we direct Respondent-3 to consider re-engagement of the applicant having regard to the facts that he has got prior service in 1981 as stated by the applicant and take him as Casual Mazdoor in the Light House in the next arising vacancy. Respondents-3 may also consider his regularisation

depending upon the vacancy that may arise in future.

6 The application is disposed in the above manner.  
There will be no order as to costs.

  
(R Rangarajan)  
Administrative Member

  
(N Dharmadan)  
Judicial Member

7.4.93

7-4-1993