

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 371
T. A. No.

1991

DATE OF DECISION 2.12.91

M. D. Paul _____ Applicant (s)

Mr. M. R. Rajendran Nair _____ Advocate for the Applicant (s)

Versus

General Manager, Telecom _____ Respondent (s)
Distt. Ernakulam and another

Mr. Mathews J. Nedumpara, AOGSC _____ Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The Hon'ble Mr. N. DHARMADAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Y*
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, JUDICIAL MEMBER

This matter is covered by the order of the Hon'ble Supreme Court in S.L.P. No. 10425 of 1988, Annexure-III dated 7.8.89. The order reads as follows:

"It is reported that one of the two petitioners, petitioner No. 2 has already been regularised. As regards petitioner No. 1, the only argument is that he is not overage, therefore, he cannot be recruited as a Driver in the normal course, but it is not in dispute that when he entered in service, he was within the age limit. In the circumstances, it is directed that this petitioner No. 1 viz. E.P. Daniel, shall be regularised, even if necessary by relaxing the age. This is in view of the special circumstances of this case and will only be confined to this case. The SLP is disposed of."

2. The applicant's complaint is that the SLP was dismissed by the Supreme Court on a wrong representation by the Govt. At the time when the matter came up for hearing the respondents submitted that the applicant was regularly

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absorbed as group-D Govt. servant but the applicant was not given the benefit of regularisation in group-C. Hence, he has filed this application with the following reliefs:

- "i) Declare that the applicant is entitled to be appointed as regular driver in 1986 outside quota on the basis of Annexure-VI by granting relaxation of age limit as in the case of N.P. Daniel and Karthikeyan Nair, and to direct the respondents to appoint the applicant as regular driver with retrospective effect from the date of appointment of others selected along with him with all consequential benefits.
- ii) Alternatively direct regularisation of applicant in a future vacancy.
- iii) Grant such other reliefs as may be prayed for and the Tribunal may deem fit to grant..."

3. The respondents have filed a reply affidavit. When the matter came up for final hearing, we wanted a clarification about the actual representation that is made before the Supreme Court at the time when the SLP No. 10425/88 came up for hearing. The respondents have stated in the additional reply statement as follows:

"As regards para 8 the second petitioner Sri Paul was being engaged as Casual Mazdoor from 1978 onwards and he has been absorbed in the regular establishment of the Department as Grade 'D' w.e.f. 1.12.86 after being given all concessions as are due to him by virtue of his service as casual mazdoor for absorption as per Administrative Orders issued in this connection."

4. From the ~~foregoing~~ it is very clear that the respondents did not make any wrong statement. They have only indicated to regularise the applicant in group-D and that has been complied with. They have further stated in the reply statement filed in this case on 14.6.91 that the applicant is still eligible for recruitment as Driver under departmental quota for which there is no age limit and his case will be considered for appointment against Driver in future vacancy under the Departmental quota. provided he applies for the same.

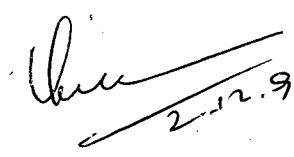
5. In the light of this clear statement, we are of the view that there is no injustice as alleged by the applicant and the applicant has no grievance. His right to get regularised in Group-C will be considered by the respondents in accordance with law.

6. In this view of the matter, we dismiss the application. There will be no order as to costs.


(N. DHARMADAN)

JUDICIAL MEMBER

2.12.91.


(N. V. KRISHNAN)

ADMINISTRATIVE MEMBER

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