

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 375
T. A. No. —

1990

DATE OF DECISION 25.1.1991

V. Y. Joy and Manoj P.R. Applicant (s)

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

Versus

Union of India rep. by Secretary Respondent (s)

Deptt. of Communications, New Delhi & others

Mr. George Joseph, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S. P. MUKERJI, VICE CHAIRMAN

The Hon'ble Mr. N. DHARMADAN, JUDICIAL 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

SHRI S. P. MUKERJI, VICE CHAIRMAN

^{He} ~~Heard~~ ^{learned} ~~counsel~~ ^{for} ~~for~~ ^{both} ~~parties.~~ The material facts of the case lie within a narrow compass and can be recounted as follows. The applicants have been working as casual workers in the Civil Wing of the Telecom. Department. The first applicant had completed 654 days and the second applicant 455 days of casual employment commencing from 1.2.1986, when they were denied employment after April, 1988. Their prayer is that they should not be denied employment and the termination of their employment without following the procedure laid down under the Industrial Disputes Act is illegal. They ^{have} ~~also~~ prayed that the respondents be directed to regularise them against Group 'D' posts.

2. We have heard the arguments of the learned counsel for both parties and gone through the documents carefully. The learned counsel for the applicants produced the order issued by the Department of Telecommunication, dated 20.12.1990 in which the first applicant has since been regularised against a Group 'D' post of Beldar in the office of the Assistant Engineer, Telecom. Civil Sub Division No.1, Ernakulam in the pay scale of Rs. 750-940. During the course of the arguments, the learned counsel for the applicant stated that because of the regularisation of the first applicant, he would not press for the reliefs so far as the first applicant is concerned. As regards the second applicant, the learned counsel prayed that like the first applicant, he should also be considered for regularisation and till he is regularised, he should be given casual employment if work is available and if his juniors are being given such employment.

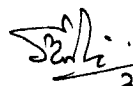
3. The learned counsel for the respondents has filed a statement in which it has been stated that the first applicant has been appointed w.e.f. 21.12.1990 and the second applicant's case " shall be settled when vacancy arises and also subject to approval from the Supdt. Engineer, Telecom, Civil Circle, Trivandrum."

4. In view of the arguments of the learned counsel for both parties and the statement made by the learned counsel for the respondents, we close this application with the direction that the second applicant also should be considered for regular appointment as and when his turn comes on the basis of his previous casual service and that so long as he is not regularised, he should be given casual employment, subject to the availability of

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work and his seniority amongst the casual workers under
the Supdt. Engineer, Civil Circle (Telecom), Trivandrum.
There will be no order as to costs.


(N. Dharmadan) 25.1.91
Judicial Member


25.1.91
(S. P. Mukerji)
Vice Chairman

kmm