

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No. 38/91  
~~XXXXX~~

199

DATE OF DECISION 7-3-1991

Prasanna Kumar -R Applicant (s)

Mr. MR Rajendran Nair Advocate for the Applicant (s)

Versus

The Sub Divisional Officer, Respondent (s)  
Telegraphs, Mavelikkara and  
others.

Mr Mathews J Nedumpara, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. SP Mukerji, Vice Chairman

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

The grievance of the applicant is that Respondent-1 has refused to engage the applicant notwithstanding the fact that work is available and juniors are being engaged.

2 The applicant submitted that he commenced his service as casual mazdoor under Respondent-1 on 25.10.85 and his name was also included in the Muster Roll kept by Respondent-1. Subsequently, the applicant was not given engagement after 30.11.85 even though he was prepared to do work under the 1st respondent. The applicant submitted representations for getting continued employment, but there was no response. Hence, he has filed this application for direction to the respondents to give work and wages to him in preference to any outsiders and his juniors as

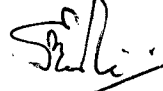
and when work is available.

3 To-day when the case came up for admission, the learned counsel for the respondents sought some time to file a written reply. In the view that we are taking <sup>by</sup> ~~in~~ this case, it is not necessary to give any further time to the respondents to file a written reply. We are inclined to dispose of this case at the admission stage itself.

4 We have considered similar cases and disposed of them with directions. Accordingly, we are of the view that this case can also be disposed of in the light of the earlier <sup>decisions. 4</sup> ~~cases~~. We are satisfied that justice will be met in this case if we dispose of this case with directions. Accordingly, we direct the applicant to file a detailed representation before Respondent-1 with available materials and documents to establish his previous service under Respondent-1. The applicant shall file such representation within two weeks from the date of receipt of a copy of this judgment. If the applicant files such a representation, the Respondent-1 shall consider and dispose of the same in accordance with law within a period of two months from the receipt of the representation. If the applicant is found to have been engaged previously on the basis of the available documents, the Respondent-1 shall also engage him as a casual mazdoor with bottom position as and when work is available alongwith freshers and his juniors.

5            The application is disposed of on the above  
lines and there will be no order as to costs.

  
(N Dharmadan) 7.3.91.  
Judicial Member

  
(SP Mukerji) 7.3.91  
Vice Chairman

7-3-1991

7.3.91

SPM & ND

Open Court by ND

(1)

ORDER

The grievance of the applicant is that Respondent-1 has refused to engage the applicant notwithstanding the fact that work is available and juniors are being engaged.

2 The applicant submitted that he commenced his service as casual mazdoor under Respondent-1 on 25.10.85 <sup>and</sup> his name was also included in the Muster Roll kept by Respondent-1.

Subsequently ~~on account of some reasons~~ the applicant was not given engagement af-ter 30.11.85 <sup>even though he was prepared to do work under his id. regt.</sup> The applicant submitted ~~further~~ representations for getting continued employment, but there was no response. Hence, he has filed this application for direction to the respondents to give work and wages to him in preference to any outsiders <sup>and his juniors</sup> as and work is available.

3 To-day when the case <sup>came up</sup> ~~was taken up~~ for admission, the learned counsel for the respondents sought some time to file a written reply. In the view that we are taking up this case, it is not necessary to give any further time to the respondents to file a written reply. <sup>we are inclined to dispose of this case at this admission stage itself.</sup>

4 We have considered similar cases and disposed of them with directions. Accordingly, we are of the view that

this case can also be disposed of in the light of the

earlier cases. We are satisfied that justice will be

met in this case if we direct the <sup>disposing this case with directing accordingly we</sup> respondents to file <sup>application</sup>

a detailed representation before Respondent-1 with

available materials and documents to establish ~~the~~ <sup>his</sup>

previous service of ~~the applicant~~ under Respondent-1. ~~Accordingly~~

~~we do so~~.

The applicant shall file <sup>such</sup> ~~the~~ representation within 2 weeks

from the date of receipt of a copy of this judgment.

If the applicant files such a representation, <sup>the</sup> Respondent-1

shall consider and dispose of the same in accordance

with law within a period of two months from the receipt

of the representation. If the applicant is found to

have been engaged previously on the basis of the available

documents, the Respondents-I <sup>shall also except</sup> may consider him as a casual

<sup>with bottom position</sup> mazdoor <sup>his</sup> as and when work is available alongwith freshers

and juniors.

5 The application is disposed of on the above lines

and there will be no order as to costs.