

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 ^b ~~b~~ 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 ~~cases~~ ^{decisions}. 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

(1)

SPM & ND

Open Court by ND

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 ^{and} 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 after 30.11.85. ^{even though he was prepared to do work under his resp.} 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 as and work is available.

3 To-day when the case ^{came up} 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. ^{We are inclined to dispose of this case at this 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 cases. We are satisfied that justice will be ^{disposed of this case with due notice according to the} ~~met in this case if we direct the respondents to file~~ ^{applicants} a detailed representation before Respondent-1 with available materials and documents to establish ^{the his} previous service of ~~the applicant~~ under Respondent-1. ~~he~~ ^{such} The applicant shall file ^{the} representation within 2 weeks from the date of receipt of a copy of this judgment. If the applicant files such a representation, 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 may consider him as a casual ^{will also engage} ^{with former position} mazdoor as and when work is available alongwith freshers ^{his} and juniors.

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