

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 391 of 1992.

DATE OF DECISION 05-03-1993

M. Muhammed Mansoor Applicant (s)

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

Versus

The Telecom District Manager  
Trichur and others Respondent (s)

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

CORAM :

The Hon'ble Mr. S.P. Mukerji, Vice Chairman  
and

The Hon'ble Mr. A.V.Haridasan, 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


(Hon'ble Mr.S.P.Mukerji, Vice Chairman)

We have heard the learned counsel for both the parties on this application in which the applicant on the basis of his past casual service <sup>during</sup> ~~between~~ 1978-79 (147 days), 1979-80 (58 days) and 1985-86 (87 days) has sought re-engagement and regularisation. The aforesaid casual service has been admitted by the respondents in their reply statement. It has also <sup>not been</sup> denied by them that the applicant's name figured in the list of approved casual mazdoors in 1979. The learned counsel for the applicant produced before us the original of <sup>his</sup> ~~the~~ casual labour card also. Since the applicant's last employment was in 1986 and he

represented thereafter in 1990, his case cannot be dismissed summarily as a case of abandonment, more so, because the applicant was in the list of approved mazdoors and the respondents could not delete his name from the list without show cause notice to the applicant, even though he has not been reporting for casual <sup>work</sup> ~~duty~~. The applicant had produced medical certificates also which have not been properly taken into account.

2. In the above circumstances, we allow the application, set aside the impugned orders dated 8.5.91 at Annexure I and 25.3.91 at Annexure IV and direct that the <sup>period of</sup> absence should be condoned and his name should be continued to figure in the approved list and he should be given casual employment, if work is available and persons in the approved <sup>list</sup> /with lesser service are engaged. There is no order as to costs.

  
(AV. Haridasan)  
Judicial Member

 5.3.93  
(S.P. Mukerji)  
Vice Chairman

5.3.93

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