

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 395
T. A. No.

199 1

DATE OF DECISION 6.1.1992

V. K. Shajimon

Applicant (s)

Mr. M. R. Rajendran Nair

Advocate for the Applicant (s)

Versus

The Divisional Engineer, Respondent (s)
Telegraphs, Alappuzha and others.

Mr. George Joseph, AGS&C

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? 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

MR. N. DHARMADAN, JUDICIAL MEMBER

The grievance of the applicant who worked as casual mazdoor under the first respondent is that he has not been re-engaged in spite of the fact that his earlier service as evidenced by Annexure-I ~~record~~ certificate has been admitted.

2. According to the applicant, he commenced service as casual mazdoor on daily wages under the Assistant Engineer, Transmission Project, Trivandrum. He has produced Annexure-I certificate to establish his previous service. He further submitted that he was not given work though he had approached the respondents. He stated that he approached the respondents several times requesting

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re-engagement. In an identical circumstances, the person who was engaged with the applicant, filed O.A. 840/90 for a direction for re-engagement and his case was heard and disposed of by this Tribunal with the following directions:

"Accordingly, in the circumstances, we are of the view that this application can be disposed of with the direction that the third respondent may include the applicant's name also if he is maintaining a list of casual mazdoors for giving engagement. He may also consider engagement of the applicant along with other casual mazdoors as and when work is available under him in any division within his jurisdiction, in accordance with seniority of the applicant. He will also consider the regularisation of the applicant's service in his turn."

3. In this application the Sub Divisional Officer, ~~Sub~~ Telegraphs, Kayamkulam has been impleaded as additional respondent. A reply statement by the first respondent, ~~now working as~~ by ~~xxxxxx~~ the additional fourth respondent, the Divisional Engineer, Telecom. Transmission Project, Trivandrum, has been filed in which the earlier service of the applicant has been admitted, but they have stated that the applicant had been engaged for specific work and his services were terminated on completion of the work.

4. At the time when the matter has been taken for final hearing, the learned counsel for the applicant submitted that this application can be disposed of following the judgment in O.A. 840/90. The learned counsel for the respondents has no objection in disposing the matter following the above judgment. Accordingly, we feel that this case can be disposed of in the interest of justice,

by passing similar directions as has been issued in O.A.
840/90.

5. In the result, having considered the matter, we
are disposing ^u the application with a direction to the
Sub Divisional Officer, Telecom., Kayamkulam, the fourth
respondent to include the name of the applicant also
in the list of casual mazdoors and give work and wages ^{to him} _{in}
as and when work is available. He may also consider
the question of regularisation of the applicant in
accordance with his seniority and turn.

6. The application is disposed of as above. There
will be no orders as to costs.

N. Dharmadan

6.1.92

(N. DHARMADAN)
JUDICIAL MEMBER

krishnan
6/1/92

(N. V. KRISHNAN)
ADMINISTRATIVE MEMBER

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