

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

OA 3407/2001

New Delhi, this the 28th day of April, 2002

Hon'ble Shri Govindan S.Tampi, Member (A)

Smt. Krishna Devi,
W/o Shri Vijay Singh
R/o Vill. Buradi, Gadhi
H.No.88, Delhi - 84. ...Applicant
(By Advocate Shri U.Srivastava)

V E R S U S

UNION OF INDIA : THROUGH

1. The Director General Posts &
Chairman Postal Services Board
Sanchar Bhawan, New Delhi.
2. The Senior Supdt.
Delhi Sorting Division
R.M.S.Bhawan, Kashmere Gate
New Delhi. ...Respondents
(By Advocate Shri B.S.Jain)

O R D E R

By Hon'ble Shri Govindan S.Tampi,

Reliefs sought in this OA are as below :-

- (a) directing the respondents to frame a scheme for the grant of temporary status and regularisation for the seasonal workers as the other department like Railways and Air Force placed at Annexure A/5 and A/6 respectively and thereafter.
- (b) to consider the case of the applicant for the grant of temporary status and regularisation in accordance with the proposed scheme.
- (c) directing the respondents to re-engage the applicant for the seasonal works as the other similarly situated persons and even juniors also have been engaged.
- (d) to allow the OA of the applicant with all other consequential benefits and costs.
- (e) any other fit and proper relief may also be granted.

2. Heard Shri U.Srivastava, ld. counsel for the applicant and Shri B.S.Jain, ld. counsel for the respondents.

3. The applicant having been sponsored by the Employment Exchange, was engaged by the respondents as a Casual Labourer during 1993-94. On her not being considered for re-engagement in 1995, she filed OA No.131/96, which was disposed of on 8-5-96 with directions to the respondents to consider her case for re-engagement in preference to outsiders and those with lesser days of service. Thereafter, she had been engaged as a seasonal casual labourer, as water-woman in the summer season and for working Angithi, during winter i.e. from April to September and mid-December to February, respectively, from 1996-97 to 2000-01. They had thereafter engaged four more persons - Shanti and Kaushlaya, similarly placed as the applicant and Pratibha and Anandi, junior to her - but had not responded to her request. According to the applicant, whose case was strongly urged by Shri U.Srivastava, Id. counsel, Schemes for grant of temporary status to casual labourers working on seasonal basis are available in Railways (para 2006 of IREM Vol.II) and Airforce (Seasonal Anti-Malaria Lascars (Grant of Temporary Status and Regularisation) Scheme of Indian Air Force, 1997). It is his request, therefore, that the respondents i.e. Directorate General of Postal Services be also advised to formulate similar schemes and grant the applicant consequential benefits.

4. In the reply filed on behalf of the respondents, reiterated by Shri B.S.Jain, Id. counsel, it is pointed out that the respondents have taken action in pursuance of the decision of the Tribunal dated 8-5-96 in OA 131/96. As none junior to the applicant or lesser over all length of service has been/is being engaged by the respondents. The

applicant's request is barred by res-judicata as it is already been decided upon in the earlier OA 131/96 and the respondents had taken necessary action. Nothing further remained to be done.

5. During the oral submissions, Shri Srivastava requested that what is being prayed by him is for the issuance of directions to the respondents to formulate Schemes for grant of temporary status to casual labourers in terms of schemes already invogue in other organisations, reference to which he has already made in the OA.

6. I have considered the matter. Though the applicant has in her OA has sought a few multiple reliefs, what she is seeking is the formulation of a scheme by the respondents for grant of temporary status to casual workers so that individuals like the applicant would benefit. This is more like a public interest application which the Tribunal is not authorised deal with. The Tribunal can take up for consideration and adjudicate matters of individuals who have a specific grievance with reference to service matters. That is not what the applicant is seeking in this OA. The prayer in the OA is clearly outside the jurisdiction of the Tribunal.

7. In the above view of the matter, the OA, which is in the nature of public interest application, fails due to lack of jurisdiction for the Tribunal and is accordingly dismissed. No costs.

(GOVINDAN S. TAMPI)
MEMBER (A)

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