

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A No. 180/00343/2020

Friday, this the 4th day of December, 2020.

CORAM:

**HON'BLE Mr. P. MADHAVAN, JUDICIAL MEMBER
HON'BLE Mr. K.V. EAPEN, ADMINISTRATIVE MEMBER**

1. Prasanth P.R., 48 years,
S/o. Raman Nair,
Part-time Casual Labourer,
Central Tax and Excise Range, Kizhakkambalam.
Residing at: Kanjirakkattu House,
Perumpilly (P.O), Ernakulam – 682 314.
2. K.M. Ansari, 49 years,
S/o. Alikutty Moideen,
Part-time Casual Labourer,
Superintendent of Central Excise and Customs,
Central Tax and Central Excise,
Mundakayam Range, Kottayam Division – 686 513.
Residing at : Palathinkal House, Koottickal (P.O.),
Kottayam – 686 514.
3. Shyamalatha K.V., 49 years,
W/o. Shaju V.K.,
Part-time Sweeper, Customs Preventive Unit,
Udma (P.O), Udma, Kasargod District - 671 319.
Residing at Preeshalayam Nekkly, Mylatty (P.O),
Kasaragod – 671 391.
4. Molly V.K. , 53 years,
W/o. Shajimon V.V.,
Part-time Casual Labourer,
Superintendent of Central Excise,
Thodupuzha Range, Neerolickal Building,
Manakal Road, Thodupuzha, Idukki Division – 685 584.
Residing at : Velankunnel House, Kothaikunnu,
Thodupuzha (P.O), Idukki – 685 584.
5. Kausalya C.K., 57 years,
W/o. Rajan T.A,
Part-time Casual Labourer,
Central Tax and G.S.T. Office,
Perumbavoor Division, George Areacaud,
Thottumangal Road, Perumbavoor,
Perumbavoor Division – 686 668.
Residing at : Thuruthel House, Ayavana (P.O),
Ernakulam – 686 668.

6. Kumari P.C., 54 years,
W/o. T.V. Velayudhan,
Part-time Casual Labourer,
Superintendent of Central Excise, Kolenchery Ranage,
Ombalayil Towers, M.M. Junction,
Kolenchery, Perumbavoor Division – 682 311.
Residing at : Cheriyampambil House, Mavinchuvadu,
Perumbavoor (P.O), Ernakulam.
7. Ajitha V.P., 50 years,
W/o. Sobeendren,
Part-time Sweeper,
Superintendent of Customs Preventive Unit,
Vadakara, Vadakara Beach, Kozhikode District – 673 103.
Residing at : Kolothorath House, Kannakara (P.O),
Calicut – 963 616.
8. Karthyani C., 52 years,
W/o. Bhaskaran K.,
Part-time Casual Labourer,
Office of the Superintendent of Central Excise,
Special Customs Preventive Unit, Malappuram – 676 519.
Residing at : Kandalapetta House, Karakkunnu (P.O),
Malappuram – 676 123.
9. Saji Kumar C., 48 years,
S/o. M.K. Gopalakrishnan,
Part-time Casual Labourer,
Office of Superintendent,
Central and G.S.T and Central Excise,
Kayamkulam Range.
Residing at: Puthenkandathil, Pothenpally,
Haripad, Kumarapuram (P.O), Alappuzha – 690 548.
10. Babu N., 43 years,
S/o. V. Neelakanda Pillai,
Part-time Casual Labourer,
Office of the Superintendent of Central Tax and Central Excise,
Kottarakkara Range, Vijaya Arcade, Pulamon (P.O),
Kottarakkara, Kollam – 691 531.
Residing at : Baiju Mandiram, Nadakkal, Vilavoorkonam,
Kalluvathukkal (P.O.), Kollam – 691 578.
11. S. Gireesh Kumar, 51 years,
S/o. V. Subramoniam,
Part-time Casual Labourer,
The Assistant Commissioner Office,
Central Excise Division, Guest House,
Headquarters, Air Cargo, Airport,
The AC Office, South Division, Thiruvananthapuram.
Residing at : Therikka Vila Veedu, Pangode,
Chithra Nagar, C-118, Thirumala (P.O), Thiruvananthapuram – 695 006.

12. Ambili Raj B, 47 years,
 S/o. Balakrishnan,
 Part-time Casual Labourer,
 Central Excise Superintendent,
 KAL Range, Neyyallincara, Air Cargo, Airport,
 Thiruvananthapuram – 695 024.
 Residing at Choozharakavu, Thoppil Puthen veedu,
 Thirupuram (P.O), Thirupuram – 695 133.

13. L. Rema, 53 years,
 W/o. Mohanan C.,
 Part-time Casual Labourer,
 Central Excise Thiruvananthapuram,
 Air Cargo Complex, Airport,
 Thiruvananthapuram Commissionerate.
 Residing at: Melekunnilveedu, Karumom,
 Thiruvananthapuam – 695 002.

14. T.K. Raju, 52 years,
 S/o. Kuttan,
 Part-time Casual Labourer,
 Central Tax and Central Excise,
 Tirur Range, Tirur.
 Residing at : Thekkeavayil House,
 Veliyankode (P.O), Malappuram – 679 579.

15. V.K. Mohandas, 53 years,
 Mattupetty Road, Munnar,
 Idukki District – 685 612.
 Residing at: Vellaramkalayil House,
 Pottankadu (P.O), Idukki – 685 565.

16. D. Chandran, 52 years,
 S/o. Devadas,
 Part-time Casual Labourer,
 Central Excise and Customs,
 Ernakulam Division, Kathrikkadavu,
 Ernakulam District.
 Residing at: Pallivasal Estate,
 Power House Division, Munnar (P.O),
 Idukki – 685 612.

- Applicants

[By Advocate : Mr.Kaleeswaram Raj]

Versus

1. Union of India represented by the Secretary,
 Ministry of Finance, North Block,
 New Delhi – 110 001.

2. Secretary,
Department of Personnel & Training,
Ministry of Personnel, Public Grievances & Pensions,
New Delhi – 110 001.
3. Secretary,
Department of Expenditure,
Ministry of Finance, North Block,
New Delhi – 110 001.
4. The Chairman,
Central Board of Excise and Customs,
Ministry of Finance, North Block,
New Delhi – 110 001.
5. The Chief Commissioner,
Central Excise and Customs,
Central Revenue Building,
I.S. Press Road, Kochi – 682 018.
6. The Commissioner,
Central Excise and Customs,
I.S. Press Road, Kochi – 682 018. - Respondents

[By Advocate : Mr. K.S. Shaiju, ACGSC]

The application having been heard on 04.12.2020, the Tribunal on the same day delivered the following:

ORDER

Per: Mr. P. Madhavan, Judicial Member

Applicant filed this O.A seeking the following reliefs:-

- i) to declare that the applicants are entitled to get regularisation in service as Part Time Casual Labourers from their initial date of appointment with all consequential benefits including arrears of salary, extending the benefit of Annexures A-16 to A-19.*
- ii) To direct the respondents 1, 4 and 5 to pass orders regularizing the service of the applicants as Part Time Casual Labourers from their initial date of appointment with all consequential benefits including arrears of salary, extending the benefit of Annexures A-16 to A-19.*
- iii) To direct the respondents 1 to 6 to disburse the arrears of salary to the applicants in the scale of pay in par with regular Part Time Causal Labourers in the revised rate, immediately on regularizing the service of the applicants as sought in prayer No. II.*

2. Applicants are presently working as Part Time Casual Labourers. The applicants were serving the Department from their initial appointment as Part Time Casual Labourers. In 1993, the Department of Personnel and Training had notified a Scheme for absorption and regularisation of casual labourers,

which had been brought into force with effect from 01.09.1993. Since the applicants began their work only after 1993, they are well outside the said Scheme. The applicants rely upon Annexure A-16. As per Annexure A-16 judgment, “*direction was given to the Central Excise and Customs Department to formulate a scheme for grant of temporary status and regularisation of casual labourer working in the Central Excise Department continuously for a long time and who are not covered under the 1993 Scheme.*”

Aggrieved by the stand taken by the respondent No.1 in not regularising the applicants in the post of Part Time Casual Labourers is contrary to the directions in Annexure A-16 and A-17 judgements. Hence, they filed this O.A.

2. When the case was taken up today, learned counsel for the applicants' submits that the applicants' will be satisfied, if a direction is given to the respondents that the representation dated 12.11.2020 produced as Annexure A-20 is considered and disposed of by the respondents on merit. Counsel for the respondents has no objection in doing the same.

3. In view of the limited prayer, the O.A is disposed of with a direction to the respondents to dispose of the representation dated 12.11.2020 (Annexure A-20) submitted by the applicants' on the basis of relevant rules and regulations and pass a speaking order within a period of three months from the date of receipt of a copy of this order.

4. The Original Application is disposed of accordingly. No order as to costs.

(Dated, 4th December, 2020.)

**(K.V. EAPEN)
ADMINISTRATIVE MEMBER**

**(P. MADHAVAN)
JUDICIAL MEMBER**

Applicant's Annexures

Annexure A-1	-	True copy of the order No. C.No. II/3/23/95-Estt.IV dated 04.07.1996 issued by the Commissioner of Central Excise and Customs, Cochin.
Annexure A-2	-	True copy of the order No. C. No. II/3/2/95/1061 dated 17.04.1997 issued by the Assistant Commissioner of Central Excise and Customs, Kottayam Division.
Annexure A-3	-	True copy of the order No.C.No.II/39/95/2814 dated 01.05.1996 issued by the Assistant Commissioner of Special Customs Preventive Division, Kozhikode.
Annexure A-4	-	True copy of the order No. C.No.II/3/1/93/5061 dated 09.09.1996 issued by the Assistant Commissioner of Central Excise and Customs, Muvattupuzha Division.
Annexure A-5	-	True copy of the order No. C.No.II/3/23/95/Estt.IV dated 14.03.1997 issued by the Commissioner of Central Excise and Customs, Cochin.
Annexure A-6	-	True copy of the order No. C.No.II/3/1/93/6057 dated 09.09.1996 issued by the Assistant Commissioner of Central Excise and Customs, Muvattupuzha Division.
Annexure A-7	-	True copy of order No. C.No.II/39/4/95/902 dated 06.02.1996 issued by the Assistant Commissioner of Special Customs Preventive Division, Kozhikode.
Annexure A-8	-	True copy of the order No. C.No.II/31/4/95/667 dated 22.01.1997 issued by the Assistant Commissioner of Special Customs Preventive Division, Kozhikode.
Annexure A-9	-	True copy of the order No. C.No.II/11/2/97/4267 dated 14.08.1998 issued by the Assistant Commissioner of Central Excise Division, Kollam.
Annexure A-10	-	True copy of the order No. C.No.II/3/11/96 dated 04.03.1997 issued by the Commissioner of Central Excise and Customs, Cochin.
Annexure A-11	-	True copy of the order No. C.No.II/3/14/1996-Estt.I dated 20.08.1997 issued by the Assistant Commissioner of Central Excise Division, Trivandrum Division.
Annexure A-12	-	True copy of the order No. C.No.II/3/14/96/Estt.I dated 03.08.1998 issued by the Assistant Commissioner of Central Excise Division, Trivandrum Division.

Annexure A-13 - True copy of the order No. C.No.II/3/14/96/Estt.I/8262 dated 23.09.1997 issued by the Assistant Commissioner of Central Excise Division, Trivandrum Division.

Annexure A-14 - True copy of the order No.C.No.II/3/1/96dated 10.12.1996 issued by the Assistant Commissioner of Central Excise Division, Thrissur Division.

Annexure A-15 - True copy of the order No. C.No.II/3/23/96/Estt.IV dated 14.03.1997 issued by the Commissioner of Central Excise and Customs, Cochin.

Annexure A-16 - True copy of the order in O.A. No. 180/01122/2014 dated 28.07.2016 passed by the Central Administrative Tribunal, Ernakulam.

Annexure A-17 - True copy of the judgment dated 20.09.2011 in WP(C) No. 20664/2011 passed by the Madras High Court.

Annexure A-18 - True copy of the order dated 20.09.2016 in O.A. No. 180/00896/2014 passed by the Central Administrative Tribunal, Ernakulam.

Annexure A-19 - True copy of the order No. 13/2020 dated 10.02.2020 issued by Principal Chief Commissioner of GST and Central Excise, Tamil Nadu and Puducherry.

Annexure A-20 - True copy of the representation submitted by the Applicant dated 12.11.2020.

Annexures of Respondents

NIL
