

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 180/00176/2019
Original Application No. 180/00177/2019

Wednesday, this the 9th day of September, 2020

C O R A M :

Hon'ble Mr. P. Madhavan, Judicial Member
Hon'ble Mr. K.V. Eapen, Administrative Member

Original Application No. 180/00176/2019 -

Padmini T.K., W/o. Narayanan, aged 65 years,
Mullakkal House, Malaya Quarters,
Koonnemoochi (PO), Vettukade,
Choondal, Thrissur – 680 502.
Working as Casual Labour, Temporary Status,
Central Excise, Trichur (Retd.).

....**Applicant**

(By Advocate : Mr. Ravi K. Pariyarth)

v e r s u s

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

2. The Chairmen,
Central Board of Excise and Customs,
North Block, New Delhi – 110 001.

3. The Chief Commissioner,
Central Excise & Customs, CR Buildings,
I.S. Press Road, Cochin – 682 018.

....**Respondents**

(By Advocate : Mr. C.P. Ravikumar, ACGSC)

Original Application No. 180/00177/2019 -

P.U. Mallika, W/o. Mohanan P.R., aged 63 years,
Orathikattil House, PO Chiranelloor,
Pattikkara, Kecheri, Thrissur – 680 501.
Working as Casual Labour, Temporary Status,
Central Excise, Thrissur (Retd.).

....**Applicant**

(By Advocate : Mr. Ravi K. Pariyarth)

v e r s u s

1. Union of India, represented by the Secretary, Department of Revenue, Ministry of Finance, North Block, New Delhi – 110 001.
2. The Chairmen, Central Board of Excise and Customs, North Block, New Delhi – 110 001.
3. The Chief Commissioner, Central Excise & Customs, CR Buildings, I.S. Press Road, Cochin – 682 018.**Respondents**

(By Advocate : Mr. M.K. Padmanabhan Nair, ACGSC)

These applications having been heard on 09.09.2020 through video conferencing, the Tribunal on the same day delivered the following :

O R D E R (Oral)

Mr. K.V. Eapen, Administrative Member –

The facts and law involved in O.A.No.180/00176/2019 and O.A.No.180/00177/2019 are similar in nature, hence they are being disposed of through this common order.

2. The applicant in O.A.No.180/00176/2019 retired as Casual Labourer with temporary status (CLTS). It has been submitted that non regularization of her service happened only because the respondents failed to act in terms of the directions contained in **Secretary, State of Karnataka & Others v. Umadevi & Others (2006) 4 SCC 1** in time. Consequently the applicant for no fault of her had to leave the service after putting in 20 years as Casual Labourer with temporary status, thus making her ineligible for pensionary benefits.

3. The applicant in O.A.No.180/00177/2019 had put in more than 23 years of service in toto. She was granted temporary status with effect from 1.9.1993 but her service was not regularized and she retired on 30.9.2011.

4. The respondents in their reply statement in O.A.No.180/176/2019 submitted that as per the Casual Labourers (Grant of Temporary Status and Regularization) Scheme of Government of India, 1993, communicated vide DoP&T's O.M.No.51016/2/90 Estt.(C) dated 10th September 1993, temporary status had been granted to the applicant, Smt.T.K.Padmini, Casual Labourer, with effect from 1.9.1993 vide Order No.40/94 dated 11.3.1994. The name of the applicant was included in the list of 17 Casual Labourers with temporary status approved for regularization. Further, vide letter F.No.C.18013/47/2012-AD III(B) dated 21.5.2014 the Board had sought for the list of Casual Labourers with temporary status, who had retired before implementation of the Board's order dated 22.5.2013 wherein in the said list the name of the applicant was also included. The cases of Casual Labourers who had retired from service/expired/left the service prior to issue of Board's letter dated 11.3.2014 was referred to the Board vide Office Letter C.No.II/39/25/2013 Estt. Dated 17.7.2014 for clarification regarding their regularization. The Committee constituted for regularization of Casual Labourers with temporary status in its meeting held on 14.10.2014 decided that all the Casual Labourers who had retired/expired/left the service prior to the date of notification of the Central Excise and Customs Department Multi-Tasking Staff (Group 'C' posts) Recruitment Rules, 2013 need not be considered for regularization to the grade of Multi-Tasking Staff as their cases were referred to the Board for clarification. Accordingly, out

of the 17 Casual Labourers with temporary status, 5 Casual Labourers were appointed to the post of Multi-Tasking Staff vide Order No.27/2015 dated 27.2.2015. As the applicant retired on superannuation on 30.9.2011 she was not considered for regularization in the grade of Multi-Tasking Staff by the Committee in the meeting held on 14.10.2014.

5. Similarly, in O.A.No.180/177/2019 the applicant retired on superannuation on 28.6.2013 and was not considered for regularization in the grade of Multi-Tasking Staff by the Committee in the meeting held on 14.10.2014.

6. Later, the Ministry vide letter F.No.C-18013/25/2018-Ad.III(B) dated 8.5.2019 has informed that the JS (Admn) has directed to include the names of retired casual labourers and submit the same to DoPT for approval regarding their regularization, a copy of which letter is produced as Annexure R-1. The letter also directed recipients to furnish the details of the retired/expired Casual Labourer with temporary status who would have been otherwise eligible for regularization under DoPT's Scheme of 1993 ie., under DoPT's O.Ms dated 10.9.1993 and 6.6.2002 to the Board Office at the earliest.

7. Heard Advocate Mr.Ravi K.Pariyarath appearing for the applicants in both the cases and Advocate Mr.C.P.Ravikumar,ACGSC appearing for the respondents in O.A.No.180/176/2019 and Advocate Mr.M.K.Padmanabhan Nair,ACGSC appearing for the respondents in O.A.No.180/177/2019 through video conferencing. It appears from the letter F.No.C-

18013/25/2018-Ad.III(B) dated 8.5.2019 produced at Annexure R-1 in both the O.As that the department had sought the list/details of retired/expired Casual Labourers with temporary status who would have been otherwise eligible for regularization under DoPT's Scheme of 1993 ie., under DoPT's O.Ms dated 10.9.1993 and 6.6.2002. This has been issued after noticing that in a case relating to posthumous regularization of one CL-TS late Shri.Kathireshan, DoPT, Department of Expenditure and Department of Pension & Pensioners' Welfare have concurred with the proposal for posthumous regularization of late Shri.Kathireshan, who was granted temporary status with effect from 1.9.1993.

8. In light of the above developments, we direct that the Department may take immediate necessary steps to re-examine the matter of regularization of the service of the applicants in the above O.As in the light of the facts and circumstances indicated in their letter F.No.C-18013/25/2018-Ad.III(B) dated 8.5.2019. This exercise may be completed and a final decision taken in this regard within a period of three months from the date of receipt of a copy of this order.

9. With the above directions, the O.As stand disposed of. There shall be no order as to costs.

(Dated this the 9th day of September 2020)

(K.V. EAPEN)
ADMINISTRATIVE MEMBER

(P. MADHAVAN)
JUDICIAL MEMBER

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Original Application No.180/00176/2019

Annexure A1 – True copy of the order with No. 40/94, granting temporary status w.e.f. 1.9.93 to the petitioner, under the casual labourers (Grant of Temporary Status and Regularization) Scheme, dated 11.3.94.

Annexure A2 – True copy of relevant page of the seniority list of temporary status casual labourers as on 1.1.98.

Annexure A3 – True copy of the seniority list of temporary status casual labourers as on 1.1.05.

Annexure A4 – True copy of the communication received by the applicant from the office of the 3rd respondent dated 21.7.15.

Annexure R1 – Copy of the letter F. No. C-18013/25/2018-Ad.III(B) dated 8.5.2019 of Central Board of Indirect Taxes and Customs.

Original Application No.180/00177/2019

Annexure A1 – True copy of the order with No. 40/94, granting temporary status w.e.f. 1.9.93 to the petitioner, under the casual labourers (Grant of Temporary Status and Regularization) Scheme, dated 11.3.94.

Annexure A2 – True copy of relevant page of the seniority list of temporary status casual labourers as on 1.1.98.

Annexure A3 – True copy of the seniority list of temporary status casual labourers as on 1.1.05.

Annexure A4 – True copy of the relieving order issued to the applicant from the office of the Deputy Commissioner of Central Excise & Service Tax, Thrissur Division dated 28.6.2013.

Annexure A5 – True copy of the communication received by the applicant from the office of the 3rd respondent dated 21.7.15.

Annexure R1 – Copy of the letter F. No. C-18013/25/2018-Ad.III(B) dated 8.5.2019 of Central Board of Indirect Taxes and Customs.