

Central Administrative Tribunal Ernakulam Bench

O.A No.180/00176/2021

Friday, this the 9th day of April, 2021

CORAM:

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

Anil Kumar.D, aged 48 years
S/o.Dasan
Part Time Casual Labour
The CGST
The Central Excise and Customs
Press Club Road
Thiruvananthapuram
Residing at Munduvirali
Arappuraveedu
Kanjiram P.O, Kollam – 695 524

- Applicant

(By Advocate: Mr.Kaleeswaram Raj,Sr., Mr.Varun C.Vijayan, Mrs.Thulasi K.Raj and Ms.Maitreyi S.Hedge)

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.Sinu G Nath,ACGSC)

The application having been heard on 9th April, 2021, this Tribunal delivered the following order the same day.

O R D E R (ORAL)

Per: P.Madhavan, Judicial Member

This is an Original Application filed seeking the following reliefs:

- “i) *To declare that the applicant is entitled to get regularization in service as Part Time Casual Labourer from the initial date of appointment with all consequential benefits including arrears of salary, extending the benefit of Annexures A3 to A6*
- ii) *To direct the respondents 1,5 and 6 to pass orders regularizing the service of the applicant as Part Time Casual Labourer from the initial date of appointment with all consequential benefits including arrears of salary, extending the benefit of Annexures A3 to A6.*
- iii) *To direct the respondents 1 to 7 to disburse the arrears of salary to the applicant in the scale of pay in par with regular Part Time Casual Labourer in the revised rate, immediately on regularizing the service of the applicant as sought in prayer no.ii.*
- iv) *To direct the respondent no.5 to consider Annexure A7 representation within a time frame to be fixed by this Hon'ble Court.*
- v) *To issue such other appropriate orders or directions that this Hon'ble Tribunal may deem fit, just and proper in the circumstances of the case.*
- vi) *To grant the costs of this Original Application.”*

2. When the case was taken up today, learned counsel for the applicant submits that the applicant will be satisfied, if a direction is given to the respondents that the representation dated 4.3.2021, produced as Annexure A-7, is considered and disposed of by the respondents on merit.

3. Counsel for the respondents submits that he has no objection in disposing of the representation.

4. In view of the limited submission, **the O.A is disposed of with a direction to the respondents to dispose of the representation dated 4.3.2021 (Annexure A-7) submitted by the applicant 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.**

5. The Original Application is disposed of accordingly at the admission stage itself. No costs.

(K.V.Eapen)
Administrative Member

(P.Madhavan)
Judicial Member

List of Annexures

Annexure A1 - True copy of the order No.C.No.II/3/14, 96-Estt.I dated 3.8.1998 issued by the office of the Commissioner of Central Excise and Customs, Thiruvananthapuram Division

Annexure A2 - True copy of the joining report issued by the Superintendent of Central Excise and Customs, Thiruvananthapuram

Annexure A3 - True copy of the order in O.A No.180/01122/2014 dated 28.7.2016 passed by Central Administrative Tribunal, Ernakulam

Annexure A4 - True copy of the judgment dated 20.9.2011 in WP(C) No.20664/2011 passed by the Madras High Court

Annexure A5 - True copy of the order dated 4.12.2020 in O.A No.343/2020

Annexure A7 - True copy of the representation dated 4.3.2021 submitted by the applicant before the 5th respondent

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