

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.436/2005.

Monday this the 13th day of June, 2005.

CORAM:

**HON'BLE Mrs.SATHI NAIR, VICE CHAIRMAN
HON'BLE MR. KV SACHIDANANDAN, JUDICIAL MEMBER**

1. A.R.Parameswaran, UDC, Passport Office,
Trivandrum.
2. Murali R.S., LDC, -do-
3. Shamji B.Singh, UDC, -do-
4. Narayanan Potti T., UDC, -do-
5. Bertin M.N., LDC, -do-
6. Ajithkumar S., UDC, -do-
7. Shailaja,
D/o P.Gangadharan Pillai, LDC, -do-
8. Preetha, D/o Thulasidas, LDC, -do-
9. Beena S.S.,
D/o Sreedhara Panicker, UDC, -do-
10. Solie P.,
D/o T.Patrick, LDC, -do-
11. Radhika R.,
D/o Rugmini, UDC, -do-
12. Jasmine S.,
W/o Jayakumar, LDC., -do-
13. Rema V.,
D/o Ramachandran Nair, UDC., -do-
14. Zeema Mary,
D/o F.M.Pereira, LDC., -do-
15. Usha Kumari Amma,
W/o Narayanan Pillai, UDC., -do-
16. Vijaya Kumari,
D/o P.Krishnan Nair, LDC., -do-
17. Mini D.K.,
D/o Damodaran, UDC., -do-

18. Jaya S,
W/o Chandramohan, UDC., -do-
19. Geetha Kumari C.S.,
S/o K.Chellappan Nadar, LDC., -do-
20. Kalakumari C.,
D/o Chellamma, UDC., -do- Applicants

(By Advocate Shri M.R.Hariraj)

Vs.

1. Union of India, represented by the
Secretary, Ministry of External Affairs,
Government of India, New Delhi.
2. The Joint Secretary (CPV) &
Chief Passport Officer,
Ministry of External Affairs, New Delhi.
3. The Regional Passport Officer,
Regional Passport Office,
Thiruvananthapuram. Respondents

(By Advocate Shri TPM Ibrahim Khan, SCGSC)

The application having been heard on 13.6.2005
the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mrs.SATHI NAIR, VICE CHAIRMAN

The applicants ^{who} are twenty in number, are aggrieved by the inaction on the part of the respondents to regularise the applicants' service as Lower Division Clerks with effect from the dates of their initial appointment as Casual Labourers. In an earlier occasion they have filed O.A.781/93 before this Tribunal and the same was disposed of by the Tribunal declaring that the applicants who have completed one year's continuous service were eligible to be considered for regularization in service through examination/test duly conducted by the Staff Selection Commission. Accordingly, the Staff Selection Commission conducted the examination for Casual Employees of various Central Government Departments and the applicants appeared in the examination. On the basis of the results they were appointed as LDCs w.e.f. 6.10.94. Another group of daily rated casual employees approached the C.A.T. in 903/91 for conducting the departmental

test in the same manner for regularization as a one time measure. They also filed O.A.3/94, which was disposed of by judgement dated 8.8.1995 holding that the examination conducted in 1993 (Staff Selection Commission Examination held on 26.12.1993) did not satisfy the direction of the Tribunal and directed the respondents to conduct a departmental examination as held in 1985. The SLP No.11913/96 filed against this judgement was dismissed by the Hon'ble Supreme Court by order dated 23.10.1996. Thereafter a departmental qualifying examination was held on 15.1.1997 and the qualified candidates were regularized with effect from 22.4.1997 i.e. from the date of announcement of the results of the qualifying examination. Aggrieved by this, they have filed O.A.1557/98 which was disposed of by order dated 20.4.2001 directing the respondents to re-consider their case for regularization with effect from the date of original appointment. This was challenged before the Hon'ble High Court of Kerala in O.P.27314/2001 and the matter was remanded by the Hon'ble High Court by its judgement dated 25.5.2002 for fresh disposal by the Tribunal after hearing the contention of all persons. Thereafter, by order dated 11.7.2003 this Tribunal declared that the applicants therein are entitled to have their service regularized as LDCs with effect from the dates of their initial appointment as Casual Labourers for all purposes other than seniority(A4). Accordingly all the applicants in O.A.1557/98 were appointed as LDCs w.e.f. the dates of their initial engagement. One such order dated 11.12.2003 issued to one Shri Vijayan K., LDC, Passport Office, Kozhikode is Annexure-A5. The contention of the applicants is that, they are also similarly situated persons and they are also entitled to regularisation with effect from the date of their initial engagement. The applicants 1 and 4 have made representation dated 24.9.2004 (A6 & A7) before the 2nd respondent which is still pending disposal. The other applicants have also submitted similar representations.

2. When the matter came up before the Bench, Shri Hariraj, learned counsel appeared for the applicant and Shri TPM Ibrahim Khan, learned SCGSC appeared for the respondents. Heard the counsel on both sides.

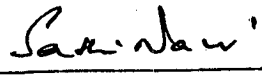
3. Learned counsel for applicant submits that these applicants are also entitled to the same benefits as granted by the Tribunal in O.A.1557/98. We also agree with the submission made by the counsel for the applicants as these applicants are also on the same footing.

4. In the light of the above facts and circumstances and on the basis of the submission made by the counsel on both sides, we direct the 2nd respondent to consider and dispose of the representation made by the applicants and communicate the decision taken to the applicants within a period of three months from the date of receipt of a copy of this order. In the circumstance no order as to costs.

Dated the 13th day of June, 2005.



K. V. SACHIDANANDAN
JUDICIAL MEMBER



SATHI NAIR
VICE CHAIRMAN