

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

DATED FRIDAY, THE TWENTYEIGHTH DAY OF JULY, ONE THOUSAND  
NINE HUNDRED EIGHTYNINE.

P R E S E N T

Hon'ble Shri S.P Mukerji, Vice-Chairman

&

Hon'ble Shri N.Dharmadan, Judicial Member

ORIGINAL APPLICATION NO.442/86

K.T Thevan

.. Applicant

Vs.

1. Chief Engineer( Construction)  
Southern Railway, Madras.
2. Executive Engineer(Con)  
Southern Railway, Trichur.
3. Permanent Way Inspector,  
Southern Railway, Trichur.

.. Respondents

M/s. K.Ramakumar, C.P.RavindraNath  
& E.M Joseph

.. Counsel for the  
applicant

Ms. Sumati Dandapani

.. Counsel for the  
respondents

O R D E R

Shri S.P Mukerji, Vice-Chairman

In this application dated 11.5.1986 the applicant who has been working as a casual labourer in the Southern Railway has prayed that the respondents should be directed to treat him as a member of regular service with effect from the date of his original recruitment as casual labourer in accordance with the principles of Supreme Court decision. The applicant entered the service on 25.3.1974 as casual labourer and has been in continuous service since then. He was granted temporary status on 11.8.1984 and was regularly

employed after selection as temporary Gangman on 20.4.1985. He has alleged that in accordance with the scheme of the Railway Board, he is eligible to count his temporary service from 1st January, 1981, but instead he has been granted temporary status only from 11.8.1984. He has sought the claim of reservation also as a member of Scheduled Caste.

The respondents have stated that the office order giving him temporary status was modified by the order dated 5.10.1986 and he has since been treated as temporary with effect from 1.1.81. He has also been given all arrears of pay etc. from the date he has been treated as temporary. They have clarified that on absorption in regular service after screening, the casual service is not reckoned for any purpose other than that for computation of aggregate service for determination of eligibility for screening and empanelment.

2. We have heard the arguments of the learned Counsel for both the parties and gone through the documents carefully. By the modification of the order of 1984 and the conferment of temporary status with effect from 1st January, 1981, the main grievance of the applicant has been redressed. Conferment of temporary status, however, is different from regular temporary employment which accrues only after selection. The Supreme Court in Ram Kumar and others vs. Union of India and others, 1981(1) S.L.J 101, referring to their earlier decision in Inderpal Yadav and others v. Union of India, referred to by the applicant also in the instant application before us, made it clear that on acquisition of temporary status the casual labourers are entitled to

certain specific benefits only. The Supreme Court enumerated these benefits as :

- (1) Protection under the Industrial Disputes Act.
- (2) Scales of pay.
- (3) Compensatory and local allowances.
- (4) Medical attendance.
- (5) Leave rules.
- (6) Provident Fund and terminal gratuity.
- (7) Allotment of railway accommodation and recovery of rent.
- (8) Railway passes.
- (9) Advancas.
- (1) Any other benefit specifically authorised by the Ministry of Railways.

The Supreme Court by referring to paragraph 2511 of the Indian Railway Establishment Manual rejected the plea that their casual service will count as qualifying for pensionary benefits. The applicant cannot be considered to be a member of regular service prior to the date of his absorption in the regular cadre after selection. It has been held by the Madras Bench of this Tribunal in Usha Devi v. General Manager, Southern Railways, Madras & ors, 1988(1) S.L.J(Short Note)518 that by getting temporary status one does not become regular employee. The applicant has been given arrears of pay and allowances by virtue of his temporary status given with effect from 1.1.81. He has not been able to bring

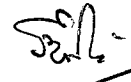
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out any other benefits to which he is lawfully entitled.

Accordingly we see no further force in the application

and close the same with no order as to costs.

  
(N. DHARMADAN) 28/7/89  
JUDICIAL MEMBER

  
28-7-89  
(S.P. MUKERJI)  
VICE-CHAIRMAN

n.i.j