

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 469/89

199

प्रतीक्षा नं. 199

DATE OF DECISION 4-6-1990

MN Babu & 3 others _____ Applicant (s)

Mr MR Rajendran Nair & PV Asha Advocate for the Applicant (s)

Versus

Union of India rep. by Secretary
M/o Communications, Deptt. of
Posts, New Delhi and 2 others
Respondent (s)

Mr V Krishnakumar, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S P Mukerji, Vice Chairman

The Hon'ble Mr. N Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

Hon'ble Shri SP Mukerji, Vice Chairman.

In this application dated 7.8.1989, the four applicants who have been working as casual labourers in the Postal Department from various dates from 1981/1983/1984 have prayed that the respondents be directed to give them work and wages and not to terminate their services except in accordance with Chapter 5A of the Industrial Disputes Act. They have also prayed that the respondents should regularise their services and pay them wages for the weekly off and national holidays. In support of their claims, the applicants have cited a number of orders issued by the Ministry of Home Affairs, DG P&T and rulings of the Supreme Court. The respondents have repeatedly indicated in the counter affidavit that the applicants are still in service, ^{that} their services

have not been terminated and that the question of regularisation of their services is under active consideration and that the question of payment of wages for the weekly off and holidays which the applicants claimed in August, 1989 has been referred to the higher authorities for clarification. In view of the statements of the respondents that the services of the applicants are not going to be terminated, the learned counsel for the applicants is not pressing for the first relief. As regards regularisation of the applicants' services, we see considerable force in the claim of the applicants especially in the context of the various rulings of the Supreme Court. The counter affidavit of the respondents also indicates that the question of granting the applicants' wages for the weekly off and national holidays prior to September, 1988 is also under consideration at higher levels.

2 In the conspectus of facts and circumstances we close this application with the direction to the respondents that the question of regularisation of the services of the applicants and payment of wages for the weekly off and national holidays should be considered and decided within a period of six months from the date of communication of this order. We make it clear that any scheme of regularising the casual workers is finalised in accordance

with the directions of the Supreme Court or under
any policy decision, ~~and~~ the applicants also should
be considered under that scheme ~~prior to September, 1988.~~
for regularization


4.6.90.

(N Dharmadan)
Judicial Member


4.6.90.

(S.P. Mukerji)
Vice Chairman

4-6-1990