

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.478 of 1994

Monday, this the 9th day of January, 1995.

CORAM

HON'BLR MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR P SURYAPRAKASAM, JUDICIAL MEMBER

M.P. Pradeep, S/o Padmanabhan,
Mullackal House, Pattanakad,
Part Time Sweeper,
Office of the JT Officers, Pattanakad,
and Kuthiakode JTO Office.

...Applicant

By Advocate Mr MR Rajendran Nair.

Vs.

The Telephone District Manager,
Alapuzha.

...Respondent

O R D E R

PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant is working as a Part Time Sweeper in the Telephone Exchange at Pattanakad and Office of the Junior Telecom Officer, Kuthiathode. His grievance is that he has not been granted temporary status with effect from 1.10.89, and regularisation thereafter on the basis of the service rendered by him.

2. According to respondents, applicant is only working on contract basis, and therefore, he is not entitled to temporary status or regularisation.

3. Applicant states that according to certificate A-IB produced by him, he has been working as Sweeper for one hour from 23.4.85 to 24.2.88, and there is no mention in that certificate that he was working on contract basis. The Certificate A-IA also does not mention that he was working on

contract basis. However, we find that Annexure A-I specifies that he was working on contract basis for certain periods. No documents showing that he was appointed on contract basis has been produced by the respondents.

4. Learned counsel for applicant drew our attention to para-4 of the Reply Statement in which respondents state that working hours were enhanced from time to time depending upon the work load. This would indicate that the nature of work done by him was no different from that of a Part Time Casual Mazdoor.

5. The pleadings before us do not clearly indicate that the applicant was employed on contract basis. There are procedures which are to be observed while entering into a contract, and there is no evidence here to show that such procedures have been followed while engaging the applicant. It is for the respondents to establish clearly that applicant has been engaged on contract basis, if they want to deny the benefits that are available to a Part Time Casual Labourer to the applicant.

6. Applicant has made Annexure-A8 representation to the first respondent and it is still pending even though one year has elapsed. Applicant may make a fresh representation stating the basis on which he claims that the work rendered by him is that of a Part Time Casual Labour, and not as an employee on contract basis. Such representation will be made within fifteen days to the first respondent, and the first respondent shall pass appropriate orders on the

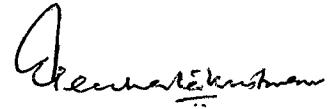
representation within one month from the date of its receipt.

7 Application is disposed of as above. No costs.

Dated the 9th day of January, 1995.



P SURYAPRAKASAM
JUDICIAL MEMBER



PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

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List of Annexures

1. Annexure-A1: True copy of the Certificate No.EA/90-91 / Aroor dated 28.3.90 issued by Junior Telecom Officer (Groups) Aroor to the appnt.
2. Annexure-AI.A: True copy of the Certificate dated 8.4.91 issued by the Junior Telecom Officer Phones (Outdoor) Shertallai to the applicant.
3. Annexure-AI.B: True copy of the certificate dated 11.4.91 issued by Assistant Engineer Construction, Tiruvalla to the appnt.
4. Annexure-A8: True copy of the representation dated 24.12.1993 submitted by the applicant to the respondent.