

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.481/2000

Friday this the 15th day of December, 2000

CORAM

HON'BLE MR.A .V. HARIDASAN, VICE CHAIRMAN

C.Sahadevan,
Casual Labourer,
Passport Office,
Trivandrum.

...Applicant

(By Advocate Mr. Thomas Mathew)

V.

1. Union of India, represented by
its Secretary to Government,
Ministry of External Affairs,
New Delhi.
2. Joint Secretary & Chief
Passport Officer,
Ministry of External Affairs,
New Delhi.
3. Passport Officer,
Passport Office,
Trivandrum.

...Respondents

(By Advocate Mr. Govindh K Bharathan (rep.)

The application having been heard on 15.12.2000, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V. HARIDASAN, VICE CHAIRMAN

The applicant, an Ex-Serviceman being
sponsored by the Zilla Sainik Welfare Office,
Vanchiyoor, Trivandrum was selected and engaged as a
casual labourer under the third respondent and was put
to discharge the duties of a Group 'C' employee.
However, he was disengaged as a Group 'C' employee
with effect from 5.8.97 and was thereafter engaged as a
Group 'D' Casual Labourer with effect from 5.8.97.
Again the applicant was disengaged with effect from
21.4.98. He was again reengaged on 5.7.99. The
applicant is still continuing as a casual labourer.

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The grievance of the applicant is that although he had completed 206 days as on 1.9.93 and has been shown in the Seniority List of Casual Labourers (Annexure.A7) at Sl.No.120 he has not been granted temporary status and that he is under the threat of disengagement. Therefore, the applicant has filed this application to quash all proceedings initiated by the third respondent to terminate his services and for a declaration that he is entitled to continue as a casual labourer and to get temporary status with effect from 1.9.93 with all consequential benefits.

2. The respondents resist the claim of the applicant for grant of temporary status on the ground that as the applicant's services have been utilised to do the job of Group 'C' nature, and those who have worked against the Group 'C' are not entitled to the benefit of temporary status, the applicant is not entitled to the reliefs sought in the application. It has also been contended that the direction to grant temporary status to certain casual labourers by the Tribunal in O.A. 434/95 has been set aside by the Hon'ble Supreme Court in its orders in SLP No.3368/97 (CC No.734/97).

3. I have gone through the pleadings and materials available on record. Identical contention was raised by the respondents to turn down the claim of the applicants similarly situated for grant of temporary status in O.A. 396/2000. Rejecting the contention raised by the respondents, the Bench observed:

"Coming to the question of the eligibility of the applicants for the grant of temporary status, the contention of the respondents is that as the applicants were on the date of commencement of the scheme for grant of temporary status and regularisation working as Group C casual labourers, they are not

contd.....

entitled to temporary status. This contention of the respondents is diagonically opposite to their statement in the same paragraph of the reply statement that "all casual labourers irrespective of nature of work they have done are deemed to be engaged against Group D type of work, which is seasonal/intermittent in nature." Further the scheme for grant of temporary status and regularisation of casual labourers evolved pursuant to the judgment of the Central Administrative Tribunal, Principal Bench in Rajkumar and others Vs. Union of India and others does not make any distinction between casual labourers who were put to work against the duties of Group C posts and those put to do the work allocated to Group D posts. The scheme confers benefit on all casual labourers excluding casual labourers in Railways, Department of Telecommunications and Department of Posts where separate schemes exist. That the applicants were in service on 1.9.93 and that they had completed 206 days of continuous service in the office of the respondents which is observing five days week is not in dispute. As the respondents themselves have admitted that the applicants were casual labourers and had infact drawn up a seniority list of casual labourers including the applicants (Annexure.A2) I find no justification on the part of the respondents in denying the benefit of temporary status available to the applicants on the basis of the scheme which was brought into force with effect from 1.9.93. Just because the applicants were given the benefit of appearing a qualifying examination conducted by the Staff Selection Commission for regularisation as Group C Lower Division Clerks pursuant to the Judgment of the Tribunal in OAs 795/93 and connected cases, their entitlement for grant of temporary status under the scheme evolved by the Government with effect from 1.9.93 cannot be denied to them."

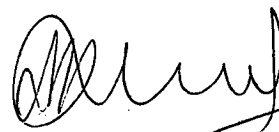
4. As the facts are identical in this case and the applicant has been in employment and had worked for more than 206 days as on 1.9.93, I find that the applicant is entitled to the grant of temporary status with effect from that date and to be considered for regularisation on a Group D post in his turn.

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5. In the result, the application is allowed. Respondents are directed to issue orders granting temporary status to the applicant with effect from 1.9.93 with all consequential benefits, as he has already completed 206 days of service on that date and to continue him as a casual labourer subject to availability of work and in preference to persons with lesser length of service. His case for further benefit of regularisation on a Group D post shall also be taken up in his turn. Parties will suffer their costs.

Dated the 15th day of December, 2000



.A.V.HARIDASAN
VICE CHAIRMAN

/s/

List of annexure referred to:

Annexure.A7: True copy of seniority list of casual labourers issued as on 6.12.1993.