

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.482/2000.

Friday this the 1st day of December, 2000.

CORAM:

HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER

1. K.K.Mohanan,
Full time Casual Labourer,
Postal Stores Depot,
Thrissur-680 004.

2. E.K. Shaji,
Full time Casual Labourer,
Postal Stores Depot,
Thrissur-680 004.

Applicants

(By Advocate Shri P.C. Sebastian (rep)

Vs.

1. The Superintendent,
Postal Stores Depot,
Thrissur-680 004.

2. The Director General of Posts,
Department of Posts,
Dak Bhavan, New Delhi.

3. The Union of India,
represented by its Secretary,
Ministry of Communications,
New Delhi.

Respondents

(By Advocate Ms. Rajeswari A., ACGSC)

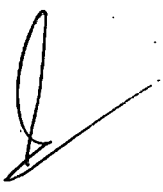
The application having been heard on 1.12.2000, the Tribunal
on the same day delivered the following:

O R D E R

HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER

Applicants seek the following reliefs:

"i. to call for the files leading to the issue of
Annexure A-1 and A2 and quash them.



ii. to declare that applicants are legally entitled for conferment of temporary status under Annexure-16 scheme 1993 and the cancellation of the temporary status conferred on the applicants as per Annexure A-1 and A2 is illegal unauthorised, arbitrary and discriminatory.

iii. to issue appropriate direction or order directing the 1st respondent to continue to grant the benefits of temporary status to the applicants without regard to Annexure A-1 and A2.

iv. to direct the 1st respondent not recover any wages from the applicants pursuant to Annexure-A1 and A2.

v. to grant such other relief which may be prayed for and which this Hon'ble Tribunal may deem fit and proper to grant in the facts and circumstances of the case.

vi. to award costs for these proceedings in favour of the applicants."

2. Applicants were initially engaged as Part-time Casual Labourers. The first applicant became full-time Casual Labourer with effect from 10.5.96 and the 2nd applicant w.e.f. 1.4.98. As per impugned orders, temporary status conferred on them erroneously, has been cancelled.

3. According to the applicants, they are entitled to temporary status as conferred on them already.

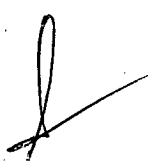
4. Respondents say that, it was found out that temporary status conferred on the applicants was irregular and without authority as they were not full-time casual labourers during the relevant period. Applicants were not full-time casual labourers between the period 29.11.89 and 1.9.93.



5. Annexure-A8 is the letter of Government of India, Department of Posts No.45-95/87-SPB.I, dated 12th April 1991. In para (1) therein it is stated that temporary status would be conferred on the casual labourers in employment as on 29.11.1989, and who continue to be currently employed and have rendered continuous service of atleast one year. Para (2) says that such casual workers engaged for full working hours, viz., 8 hours including 1/2 hour's lunch time will be paid at daily rates on the basis of the minimum of the pay scale for a regular Group 'D' official including DA, HRA and CCA. So, it is clear that the benefit of the said letter is available only to those who were full time casual labourers.

6. Annexure-A9 is the letter of Government of India, Department of Posts No.66-52/92-SPB-1 dated the 1st November 1995 as amended by letter dated 8th November, 1995. There it is stated that according to the scheme as per letter No. 45-95/87-SPB.I dated 12.4.1991 and No.66-9/91-SPB.I dated 30.11.1992, full time casual labourers who were in employment as on 29.11.1989 were eligible for conferring temporary status on satisfying other eligibility conditions and full time casual labourers recruited after 29.11.1989 and upto 1.9.1993 may also be considered for grant of benefits under the scheme. From this also, it is clear that it is only for those who were full time casual labourers on 1.9.1993.

7. Applicants admittedly became full time casual labourers only in the years 1996 and 1998. That being so, they are not entitled to seek to quash A-1 and A-2.




8. Applicants have also prayed to direct the Ist respondent not to recover any wages from them pursuant to Annexure A1 and A2.

9. Annexure A1 and A2 say that separate orders will follow in respect of recovery of excess pay and allowances for the period from 1.4.99 to 31.3.2000. So, there is no recovery sought based on A1 and A-2 and it is clear that separate orders will be issued. The question of recovery will arise only after the issuance of the separate orders as stated in A-1 and A-2. There is no case for the applicants that separate orders have been issued. That being so, this prayer is premature.

10. Accordingly, O.A. is dismissed . No costs.

Dated the 1st December 2000



A.M.SIVADAS
JUDICIAL MEMBER

rv

List of Annexures referred to in the order:

Annexure A1: True copy of the Memo No. PSD/TRC/Staff-7/Dlgs dated 10.4.2000 issued by the Ist respondent to the Ist applicant.

Annexure: A2: True copy of the Memo No. PSD/TRC/Staff-7/Dlgs dated 10.4.2000 issued by the Ist respondent to 2nd applicant.

Annexure A8: True copy of letter No. 45-95-SPB I dated 12.4.1991 issued by the 2nd respondent.

Annexure A9: True copy of G.I. Dept. of Post, Letter No. 66-52/92-SPB-1 dated the Ist November, 1995 as amended by letter dated 8th November, 1995.

Annexure A-16: True copy of O.M. No. 51016/90/2/90-(Estt) (C), dated the 10th September, 1993.