

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.493/2001

Thursday this the 27th day of June, 2002

CORAM

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

M.Raveendran Nair,
aged 49 years S/o late P.A.Gopala Kurup,
Casual Labourer Temporary Status,
Passport Office, Kozhikode
residing at Mepravettil
Civil Station PO,Kozhikode.20.

...Applicant

(By Advocate Mr.MA Shafik)

v.

1. Union of India, represented by the
Secretary to Government of India,
Ministry of External Affairs,
New Delhi.

2. The Chief Passport Officer
& Joint Secretary (CPV)
Ministry of External Affairs,
New Delhi.

3. The Passport Officer,
Passport Office, Kozhikode.

...Respondents

(By Advocate Mr. K.R.Rajkumar)

The application having been heard on 27.6.2002, the
Tribunal on the same day delivered the following:

O R D E R

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

Applicant, an Ex-Serviceman being sponsored by
the Zilla Sainik Welfare Board was engaged as a Security
Guard on daily wages under the third respondent by order
dated 30.9.91. By order dated 20.2.97 the applicant was
granted temporary status with effect from 1.9.93
(Annexure.A3). He preferred a representation on 21.6.99
(A4) seeking regularisation on a Group D post taking into
account his seniority as also the fact that he is an
Ex-Serviceman. When one M.K.Rajan who is seniormost in the

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Seniority List of Casual Labourers under the organisation working in Kerala State challenged the appointment of one Mr. Bharathan, it was contended by the respondents that the absorption is against vacancies arising in the place in which the casual labourer is employed and accepting the contention of the respondents, the original application was dismissed. By order dated 5.4.2000 (A7) five casual labourers were appointed against regular Group D posts. The grievance of the applicant is that despite the fact that he is an Ex-Serviceman he has not been regularised in a Group D post so far while the respondents have regularised two casual labourers working in other offices against the vacancies in the office where the applicant is working. Therefore, the applicant has filed this application for a declaration that he is entitled to be appointed as regular Group D in the vacancies arisen in the Passport Office, Kozhikode and to direct the respondents to appoint the applicant as a regular Group D peon in preference to casual labourers of other offices in the 20% vacancies earmarked for Ex-Servicemen. He has also prayed for a declaration that the appointment to regular Group D vacancies in Passport Office, Kozhikode by any mode other than the method prescribed in Annexure A3 scheme is illegal and arbitrary and liable to be set aside.

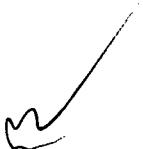
2. The respondents have contended that there is no quota for Ex-Servicemen in regularising the casual labourers as per the scheme for grant of temporary status and regularisation, that the applicant has to wait for his turn in the regional seniority list for appointment.

3. The applicant in his rejoinder stated that there is no regional seniority list and as per the scheme regularisation should be made on the basis of seniority of casual labourers in the respective offices.

4. I have gone through the entire pleadings and materials placed on record and have heard Shri M.A.Shafik, learned counsel of the applicant and Shri K.R.Rajkumar, learned counsel for the respondents. This Tribunal has in OA 1166/96 accepted the contention raised by the respondents who are respondents in this case also that the casual labourers are entitled to be regularised in the offices where they are working on the basis of seniority and that they have no right to claim regularisation to the vacancies arising in other offices. Therefore, the contention of the respondents that the applicant has to wait for his turn in the Regional Seniority List is only to be rejected. It is not disputed that the applicant is the seniormost casual labourer with temporary status waiting regularisation on a Group D post. In terms of the Scheme for grant of temporary status and regularisation 2/3rd of the vacancies arising in an office is to be filled by appointment of the casual labourers with temporary status in that office. The applicant being seniormost casual labourer with temporary status working in the Passport Office, Kozhikode, he is entitled to be regularised in one post falling to the share of the casual labourers with temporary status waiting for regularisation.

5. In the light of what is stated above, the application is disposed of declaring that the applicant is entitled to be regularised in a Group D post in the vacancy that would arise in the Passport Office, Kozhikode in the 2/3rd quota and that filling up of such vacancy by

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any other method would be arbitrary and irrational. The respondents are directed to regularise the services of the applicant in a vacancy that would arise in the Passport Office, Kozhikode and falling to the 2/3rd quota earmarked for absorption of Casual Labourers. No costs.

Dated the 27th day of June, 2002



A.V. HARIDASAN
VICE CHAIRMAN

(s) APPENDIX

Applicant's Annexures:

1. A-1 : True copy of the order No.1(20)AD/KZD/91 dated 30.9.91 issued by the 3rd respondent.
2. A-2 : True copy of the OM No.51016/2/90-Estt(C) dated 10.9.93 issued by the Ministry of Personnel, Public Grievances & Pensions.
3. A-3 : True copy of the order No.1(35)AD/KZD/93 dated 20.2.97 issued by the 3rd respondent.
4. A-4 : True copy of the representation dated 21.6.99 submitted before the 3rd respondent.
5. A-5 : True copy of the letter No.1(24)AD/KZD/84 dated 2.9.99 issued by the 3rd respondent.
6. A-6 : True copy of the judgement dated 9.7.99 in Original Application 1166/96 of this Hon'ble Tribunal.
7. A-7 : True copy of the order No.V.IV/554/64/99 dated 5.4.2000 issued by the 2nd respondent.
8. A-8 : True copy of the letter No.V.IV/554/64/99 dated 5.4.2000 issued by the 2nd respondent.
9. A-9 : True copy of the representation dated 4.7.2000 submitted before the 2nd respondent.
10. A-10: True copy of the representation dated 6.2.2001 submitted before the 2nd respondent.

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