

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 501 of 1998.

Wednesday this the 1st day of April, 1998.

CORAM:

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

HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

Mariam Chorie, W/o Chorie,
Aged 62 years, Part-time Sweeper,
Office of the Food and Nutrition
Extension Officer, Community Canning and
Preservation Centre, Panampilly Nagar,
Ernakulam, residing at Konnothu
House, Kadephagam, Nalukettum Parambu,
Palluruthy Vely.

.. Applicant

(By Advocate Shri M.R. Rajendran Nair)

Vs.

1. Union of India, represented by
Secretary to Government,
Ministry of Food and Civil Supplies,
Department of Food, New Delhi.

2. The Deputy Technical Adviser,
Department of Food, Government of
India, Madras-6.

3. The Food and Nutrition Extension
Officer, Community Canning and
Preservation Centre, Valanjambalam,
Thripunitura Road, Kochi-16.

.. Respondents

(By Advocate Shri P.R. Ramachandra Menon, ACGSC(rep))

The application having been heard on 1st April, 1998,
the Tribunal on the same day delivered the following:

O R. D E R

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

Applicant commenced her career as a Part time casual
labour in the office of the 3rd respondent on 16.6.1969.
Though about three decades have elapsed since then she
remains as part time casual labour. Her grievance is that
even the benefit of the scheme formulated by the Government
for conferment of temporary status and regularisation is not
being extended to her despite requests made by her in that
behalf. Therefore, the applicant has filed this application

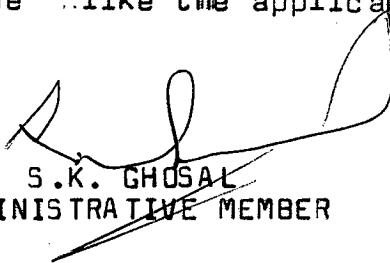
for a declaration that she is entitled to get temporary status and regularisation as per Annexure A-2 scheme and for a direction to the respondents to grant the applicant temporary status with effect from 1.9.93 and also regularisation in her due turn. Alternatively, the applicant has prayed that the second respondent may be directed to consider and pass a speaking order on her representation A-3 within a time limit prescribed by this Hon'ble Tribunal.

2. The applicant has stated in the application that in the order in O.A. 928/96, this Bench of the Tribunal has held that a part-time casual labour is entitled to get temporary status under the scheme (Annexure A-2).

3. We have perused the application and the annexures thereto and also heard Mr. M.R. Rajendran Nair, counsel for applicant and Mr. P.R. Ramachandran Menon, counsel for respondents. The Hon'ble Supreme Court in Civil Appeal Nos. 360 and 361 of 1994 titled Secretary, Ministry of Communications and others Vs. Sakkubai and another, held that the scheme for conferring temporary status to full time casual labourers is not applicable to part time casual labourers. A reading of the scheme would also make it clear that full time casual labourers alone come within the ambit of the scheme. Sub para (i) of paragraph 5 of the scheme states that wages at daily rates with reference to the minimum of the pay scale for a corresponding regular group 'D' official including DA, HRA, and CCA would be payable to a casual labour who has been granted temporary status. There may not be a Group 'D' regular post corresponding to the job of part time casual labour. Similarly, sub paragraph (ii) grant the benefits of increments on completion

of a period of one year on par with a Group 'D' employee. This benefit also cannot be extended to a part time casual labour. Hence, the claim of the applicant for temporary status etc. under the scheme is baseless.

4. While declining to entertain the application for the aforesaid reason we observe that it is time that some serious thought is ~~to be~~ bestowed by the respondent on granting some benefit like temporary status and regularisation to part time casual labourers who have been continuing for long time like the applicant. No costs.


S.K. GHOSAL
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURES

1. Annexure A-2 : The Deputy Technical Adviser, Department of Food, Government of India, Madras-6.
2. Annexure A-3 : The Food and Nutrition Extension Officer, Community Canning and Preservation Centre, Valanjambalam, Thripunithura Road, Kochi-16.

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