

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.512/2004.

Monday this the 12th day of July 2004.

CORAM:

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

C.G.Radhakrishnan, casual Mazdoor,
Shanmugham Road Post Office,
Kochi-31.

Applicant

(By Advocate Shri VD Balakrishna Kartha)

Vs.

1. Union of India represented by
Secretary to Government of India,
Ministry of Communications,
New Delhi.
 2. Post Master General,
Central Zone, Kochi-16.
 3. Senior Superintendent of Post Offices,
Kochi Division, Kochi-11.
 4. Post Master,
Shanmugham Road Post Office,
Kochi-31.
- Respondents

(By Advocate Shri C.Rajendran, SCGSC)


The application having been heard on 12.7.2004,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.KV.SACHIDANANDAN, JUDICIAL MEMBER

The applicant who is a Casual Mazdoor, claims that he has been appointed as a Collection Agent at the Speed Post Centre, Thevara in 1988. He was performing the duties of Postman, Stamp Vendor etc. continuously and he was appointed as Part-time Sweeper at Shanmugham Road since 1993 and still continuing as such. He was not confirmed with temporary status. He claims that he is a casual labourer since 1995 to 1997 and he had worked for more than 240 days i.e., in a Group'D' post for 8 hours and 5 hours as part-time sweeper and the department has paid the salary accordingly. He claims that he is entitled to get all the privileges of temporary status as laid down by this Hon'ble

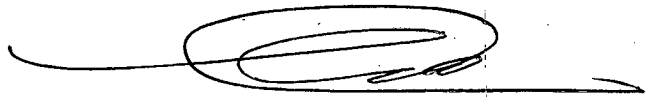
Tribunal in O.A.912/92. It is averred in the O.A. that as per the initial appointment order, all other candidates except the applicant were regularised in Group 'D' post and given the benefit of temporary status. It is also averred in the O.A. that similarly placed employees of the department approached the Hon'ble Tribunal in O.A.532/91 and O.A.1613/92 (A-4 and A-5 respectively) and they were granted temporary status and regularisation. The applicant has made a representation dated 6.9.2003(A7) to the 3rd respondent with a copy to the 2nd respondent but there was no response so far. Aggrieved by the inaction on the part of the respondents the applicant has filed this O.A. seeking the following main reliefs:

- i. to issue necessary direction to the 2nd and 3rd respondents to absorb the applicant in Group 'D' post in accordance with the Casual Labour (grant of temporary status and Regularisation) Scheme.
 - ii. to issue direction to 2nd and 3rd respondents to regularise the service of the applicant from the date of initial appointment and to grant all consequential benefits thereon.
 - iii. To grant temporary status to the applicant from the date of initial engagement.
 - iv. To direct the 3rd respondent to dispose of the Annexure A-7 representation within a time limit as decided by this Hon'ble Tribunal.
2. When the matter came up for hearing Shri V.D Balakrishna Kartha appeared for the applicant and Shri C.Rajendran, SCGSC appeared for the respondents.
3. Learned counsel for applicant submitted that the applicant would be satisfied if a limited direction is given to the 3rd respondent to consider and dispose of A-7 representation in the light of Annexures A4 and A5 and other rule position on the
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subject after verification of the actual service he has made in the department, within a time frame.

4. Learned counsel for the respondents submitted that he has no objection in adopting such a course of action.
5. In the interests of justice, this Court directs the 3rd respondent to consider and dispose of A-7 representation dated 6.9.03 and pass appropriate orders within a time frame of two months from the date of receipt of a copy of this order.
6. As requested by the counsel for applicant this Court also directs the respondents to give a chance of hearing to the applicant while disposing of the representation.
7. With the above observations, the O.A. is disposed of . In the circumstance, no order as to costs.

Dated the 12th July, 2004.


K.V.SACHIDANANDAN
JUDICIAL MEMBER