

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCHG

O.A.No.514/2000

THURSDAY this the 19th day of October, 2000

CORAM

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

1. Jayachandran C.G. S/o Gopinathan, Telegraphman, Telegraph Office, Palarivattom residing at Sastha Sadanam, RMV Road, Elamakkara, Cochin.26.
2. Nevin Thomas K.T. S/o K.C.Thomas Telegraphman, Telegraph Office, Palarivattom residing at Kuzhuvelil House, Janatha North, Kadappallypadam.
3. V.L.Sajan, S/o Lakshmanan, Telegraphman, Telegraph Office, Palarivattom (residing at Vazhakkappillil House, Vennala PO, Cochin.28).Applicants

(By Advocate Mr. M.R.Rajendran Nair)

V.

1. The Senior Superintendent of Telegraph Traffic, Central Telegraph Office, Ernakulam.
2. The Junior Telecom Officer Incharge, Telegraph Office, Palarivattom.
3. Union of India represented by the Secretary to Government of India, Ministry of Communications, New Delhi.Respondents

(By Advocate Mrs.I Sheela Devi)

The application having been heard on 19.10.2000, the Tribunal on the same day delivered the following;

O R D E R

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

The applicants who were engaged for delivery of Telegram in the office of the second respondent for a year prior to filing of this application and who claimed to have claim 240 days of casual service are aggrieved that the

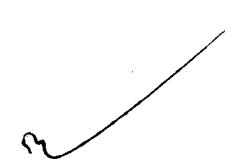
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department is adopting a practice of terming them as contract labourers and therefore they have filed this application seeking the following reliefs:

- (i) To declare that the applicants are casual labourers, working under the respondents and that master servant relationship exists between the department and the applicants.
- (ii) To direct the respondents not to resort to contract labour for performing the delivery duty of the Telegraph Office, Palarivattom.
- (iii) To direct the respondents to continue to engage the applicants for performing delivery duty of Telegraph Office, Palarivattom.
- (iv) To declare that the applicants are entitled to be conferred temporary status and to be considered for temporary status to the applicants and also consider them for consequential regularisation.
- (v) Grant such other reliefs as may be prayed for and the Court may deem fit to grant and
- (vi) Grant the costs of this Original Application.

2. The respondents in their reply statement and additional reply statement contend that the applicants were not engaged as daily rated mazdoors but were engaged as piece rate workers on their agreeing to deliver the telegramms for remuneration agreed to and that as the applicants did not renew their contract, they are not being engaged. According to the respondents, the applicants are not entitled to any reliefs as sought in this application.

3. I have gone through the pleadings and materials on record. The applicants have not produced any document to show that they were engaged as daily rated casual mazdoors. Even if the applicants were daily rated casual labourers, the engagement being only from the year 1998 onwards they are not entitled to the benefit of temporary status as per the scheme which was introduced in the department because they were not in engagement on the date on which the scheme came into operation. The applicants have not produced any



document to show that they have been engaged as daily rated casual labourers. On the other hand the documents produced by the respondents Annexures.R1 (d) series would show that they were engaged for seven hours a day for delivery of telegrams on a remuneration that was mutually agreed to. This does not show that the applicants were daily rated casual labourers. The understanding between the applicants and the respondents as is averred by the respondents in the reply statement is that on the basis of quotation given by the applicants they were engaged and once they discontinued quotation, they are not engaged. Carefully going through the entire averment in the application and the materials placed on record, I find that the applicant has no legitimate cause of action to seek jurisdiction of this Tribunal. If the applicants have a cause that any of their rights under the Industrial Disputes Act are being infringed, they are free to approach the Forum prescribed by that Act.

4. In the light of what is stated above, the application is rejected under section 19(3) of the Administrative Tribunals Act. No costs.

Dated the 19th day of OCTober, 2000


A.V. HARIDASAN
VICE CHAIRMAN

S.

List of annexures referred to:

Annexure.R.1(d):True copies of the undertaking of the applicants and the translation thereof by the Junior Telecom Officer, Palarivattom.