

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O.A. No. 520/89
XXX XXX XXX

DATE OF DECISION 21.6.1990

C Muniappan and 15 Others Applicant (s)

M/s M Ramachandran, PV Abraham Advocate for the Applicant (s)
Paulson C Varghese & P Ramakrishnan
Versus

Union of India & 2 others Respondent (s)

M/s MC Cherian, & TA Rajan Advocate for the Respondent (s)
Saramma Cherian

CORAM:

The Hon'ble Mr. SP Mukerji - Vice Chairman

and

The Hon'ble Mr. AV Haridasan - Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Y
2. To be referred to the Reporter or not? N
3. Whether their Lordships wish to see the fair copy of the Judgement? N
4. To be circulated to all Benches of the Tribunal? N

JUDGEMENT

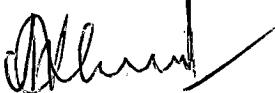
(Mr. AV Haridasan, Judicial Member)

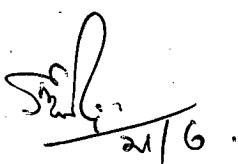
The sixteen applicants in this application filed under Section 19 of the Administrative Tribunals Act have prayed that it may be declared that having worked for more than 400 days, all of them have attained temporary status as on 1.1.1984 and that the respondents may be directed to give them the consequential benefits. In the application, the applicants have averred that they have been working as casual labourers in different spells and the number of days on which each of the applicants have worked have also been stated. It is the grievance of the applicants that inspite of repeated representations, the respondents did not consider seriously the case

of the applicants for award of temporary status and other consequential benefits, in the light of the decision in Inderpal Yadav's case.

2. In the reply statement, the respondents have contended that the records relating to the casual employment of the applicants are not readily available with them since each of the applicants have been working at different places during different periods. They have also indicated that inspite of direction to the applicants to produce the casual labour cards available with them for considering their claim, only 10 of the applicants produced photostat copies of their service cards while others did not respond to the direction at all. Hence the respondents contend that without getting the original casual labour cards, it is not possible to consider the claim of the applicants since the records relating to the length of service of all the applicants are not readily available with them. It has also been contended that as the applicants have approached the Labour Court under Section 33-C-2 of the Industrial Disputes Act, claiming the difference between the wages paid to them and the wages, they claim to be entitled on the attainment of temporary status, this application would not be necessary at all. However, the respondents have expressed their willingness to consider the claim of the applicants when they produce the casual labour cards for verification.

3. We have heard the learned counsel on either side and have also perused the records. From the pleadings, it is evident that the applicants have not produced the basic document on which their claim is based for verification by the respondents. Without doing the same, there is no meaning in complaining that the respondents did not consider their case properly. The learned counsel for the applicant submitted that the casual labour cards are not presently available with them, since they have been produced before the Labour Court in connection with the application filed under Section 33-C-2 of the Industrial Disputes Act. In the circumstances, the application is disposed with the direction to the applicants to make representation to the respondents with the supporting evidence namely, the Labour Cards in original immediately on receipt of the same from the Labour Court and with a direction to the respondents to consider their representation in the light of the decision of the Supreme Court in Inderpal Yadav's case and the Rules and instructions on the subject, within a period of 3 months from the date of receipt of such representation. There is no order as to costs.


(A.V.HARIDASAN)
JUDICIAL MEMBER


(S.P.MUKERJI)
VICE CHAIRMAN

21.6.1990

trs