

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.521/98

Tuesday, this the 26th day of October, 1999.

CORAM:

HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER

1. L.Padmaja,
W/o K Sasidharan Nair,
Puthuval Pallivila Veedu,
T.C.10/1417, Kavallur,
Vattiyoorkavu,
Thiruvananthapuram.
 2. D.Sasidharan,
S/o M.Damodaran,
Vanitha Lakshmy Vilakom Veedu,
Charachira, Nanthancode,
Thiruvananthapuram.
 3. A Sundaran Chettiyar,
S/o S.Appukutty Chettiyar,
Rajesh Bhavan, B.P.Nagar,
Nirappil, Peyad,
Thiruvananthapuram.
 4. H.Rasheed,
S/o A.Hameedkunju,
Ariyattuveedu, Punnakulam,
K.S.Puram, Karunagappally, Kollam.
 5. L.Susheela,
D/o Louis,
Thettikuzhi Veedu, Christ Nagar,
Vazhayila, Karakulam.P.O.
Thiruvananthapuram.
 6. R.Sreekumar,
S/o K.Raghavan Pillai,
Pathirikunnathu Veedu,
Powdikonam.P.O.
Thiruvananthapuram.
 7. S.Manikuttan,
S/o S.Sreedharan Nair,
Ezhakottukonathu Veedu,
Pezhumkuzhi, Kallayam.P.O.
Thiruvananthapuram.
 8. K.Ashokakumar,
S/o C.Krishnan Nair,
Pattanamkara Veedu,
T.C.48/698, Ambalathara,
Poonthura.P.O.
Thiruvananthapuram.
- Applicants

9. V.C.Chandapillai,
S/o Varghese Cheriyan,
Valiyaparambil House,
Valayanchirangara.P.O.
Perumbavoor, Ernakulam District.
10. J.Johnney,
S/o J.Johnson,
Mullanchani House, Vattappara.P.O.
Thiruvananthapuram.
11. A.Hareendran,
S/o K.Appukuttan,
Karivilakathu Veedu,
Thelibhagom,
Aramada.P.O., Thirumala,
Thiruvananthapuram.
12. S.Anilkumar,
S/o K Sukumara Pillai,
Chandanavilakathu Veedu,
Pipe Line Road, T.C.5/1933, Ambalam Junction,
Kowdiar.P.O., Thiruvananthapuram. - Applicants

By Advocate Mr B Raghunathan(represented)

Vs

1. Union of India represented by
the Secretary to Government,
Ministry of Defence,
New Delhi.
2. Commanding Officer(Wing commander),
Headquarters, Southern Air Command,
Indian Air Force, Akkulam,
Thiruvananthapuram-695 031.
3. Unit Warrant Officer,
Headquarters, Southern Air Command,
Indian Air Force, Akkulam,
Thiruvananthapuram-695 031. - Respondents

By Advocate Mr S Radhakrishnan, ACGSC(represented)

O R D E R

Counsel for the applicants not ready. Yesterday also when the O.A. was taken up for hearing, counsel for the applicants was not ready. It seems that the counsel for the applicants is more interested in getting the O.A. dragged on than arguing.

2. Counsel for respondents present and ready.
3. Accordingly, the O.A. is dismissed. No costs.

Dated, the 26th of October, 1999.

(A.M.SIVADAS)
JUDICIAL MEMBER

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 521/98

Wednesday the 2nd day of February, 2000.

CORAM

HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER

1. L.Padmaja
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Nirappil, Peyad, Thiruvananthapuram, .
4. H.Rasheed
S/o A.Hameedkunju,
Ariyattuvedu, Punnakulam
K.S.Puram, Karungappally, Kollam.
5. L.Susheela
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Thiruvananthapuram.
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Thiruvananthapuram.
7. S. Manikuttan
S/o S.Sreedharan Nair
Ezhakottukonathu Veedu,
Pezheumkuzhi.
Kallayam P.O. Thiruvananthapuram.
8. K.Ashok Kumar
S/o C.Krishnan Nair
Pattanankara Veedu, T.C.48/698
Ambalathara, Poonthura P.O.
Thiruvananthapuram.
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Karivilakathu Veedu, Thelibhagom
Aramada P.O., Thirumala, Thiruvanahtapuram.

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S/o K. Sukumara Pillai
Chandanavilakathu Veedu,
Pipe Line Road, T.C.5/1933
Ambalam Junction, Kowdiar P.O.
Thiruvananthapuram Applicants.

(By advocate Mr B. Raghunathan)

Versus

1. Union of India, represented by
the Secretary to Government
Ministry of Defence, New Delhi.
2. Commanding Officer (Wing Commander)
Headquarters, Southern Air Command
Indian Air Force, Akkulam
Thiruvananthapuram.
3. Unit Warrant Officer
Headquarters, Southern Air Command
Indian Air Force, Akkulam
Thiruvananthapuram. ... Respondents.

(By advocate Mr S. Radhakrishnan, ACGSC)

The application having been heard on 2nd February, 2000, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.M. SIVADAS, JUDICIAL MEMBER

Applicants seek to direct the respondent to regularise their service in Group-D posts, to pay salary to them at full rate like any other employee under Group-D posts, to pay ad-hoc bonus to them as envisaged in A6 and similar orders and to quash A1 and A2.

2. The applicants are working as daily rated workers (casual workers) (civilians) in the Headquarters of Southern Air Command, Thiruvananthapuram with effect from various dates from 1986 to 1993. They have completed more than 240 days in all the previous years. They are working as daily rated workers against regular posts under Group-D. There are vacancies also. They are entitled to get regular appointment in Group-D posts and also salary on monthly basis in the time scale of pay with all other benefits applicable.

3. Respondents resist the OA contending that there is no permanent or temporary vacancy to employ workers like the applicants. In the absence of any regular vacancy existing under conservancy arrangement, the applicants cannot be employed on permanent basis. As the job requirement is for a limited number of days and is purely casual in nature, few individuals out of those selected by the Board of Officers are called on as and when required basis.

4. After hearing both sides and going through the pleadings, it is seen that factual adjudication is necessary in this case. Factual adjudication is to be done in the first instance by the department.

5. Since factual adjudication is necessary in this matter and has to be done by the second respondent, it is only proper to permit the applicants to submit a joint representation to the second respondent. Accordingly applicants are permitted to submit a joint representation to the second respondent within three weeks from today. If such a representation is received, the second respondent shall consider the same and pass appropriate orders in accordance with law within three months from the date of receipt of the representation. Respondents shall not terminate the services of the applicants if work is available and if persons with lesser length of service are retained, till the disposal of the representation.

OA is disposed of as above. No costs.

Dated 2nd February, 2000.



A.M. SIVADAS
JUDICIAL MEMBER

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Annexures referred to in this order:

- A-1: True copy of the application form along with the certificate for conservancy employees 1998-99.
- A-2: True copy of the list of candidates selected for conservancy job for the year 1998-99.