

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No. 532  
T. A. No.

199 1

DATE OF DECISION 8.1.92

M.A. Sathyanathan Applicant (s)

Mr. M.R. Rajendran Nair Advocate for the Applicant (s)

Versus

The Sr. Supdt. of Post Offices Respondent (s)  
Ernakulam and others

Mr. K.A. Cherian, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The Hon'ble Mr. N. DHARMADAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

JUDGEMENT

MR. N. DHARMADAN, JUDICIAL MEMBER

The applicant, a casual labourer is aggrieved by the refusal of the first respondent to regularise his service after taking into consideration his various/continuous service for about 9 years.

2. According to the applicant, he commenced service as casual labourer in the office of the Sr. Postmaster, Ernakulam in 1981. His service was continuous from 27.4.82 till the filing of the O.A. The applicant has produced Annexure-I receipt to show his wages received by him during his employment. He submitted that he is not getting salary

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of a group-D servant which is Rs. 1250/- per month. However, he submitted Annexure-II representation dated 8.1.90 requesting the Sr. Supdt. of Post Offices, Ernakulam Division for extending the benefit of regularisation<sup>6 hr. 6</sup>. Annexure-III is further representation by him on 26.3.91. He filed this application under section 19 of the Administrative Tribunals' Act, 1985 with the following reliefs:

- "i) Direct the respondents to regularise the service of the applicant with effect from 27.4.82 and direct payment of arrears of wages due to him, in respect of difference in wages.
- ii) Declare that applicant was entitled to be paid weekly off and paid national holidays with effect from 27.4.82 and direct payment of arrears to him.
- iii) Grant such other reliefs as may be prayed for and the Tribunal may deem fit to grant, and
- iv) Grant the cost of this O.A."

3. The respondents have filed a statement in which the applicant's service from 1982 has been admitted and they have assured that the applicant will be regularised under the scheme Annexure-R-1 (a) in accordance with his turn.

4. Having heard the matter and after perusing the documents, we are of the view that the applicant is initially entitled to be considered for grant of temporary status in the light of the provisions of Annexure R-1 scheme which contains the following provisions dealing with grant of temporary status and regularisation:

"Temporary status would be conferred on the casual labourers in employment as on 29.11.89 and who continue to be currently employed and have rendered continuous service of at least one year; during the year they must have been engaged for a period of 240 days (206 days in the case of offices observing five days weeks).

Such casual workers engaged for full working hours viz. 8 hrs including  $\frac{1}{2}$  hour's lunch time will be paid at daily rates on the basis of the minimum of the pay scale for a regular group 'D' official including DA, HRA & CCA.

X            X                            X                            X

Temporary status does not debar dispensing with the services of a casual labourer after following the due procedure.

If a labourer with temporary status commits a misconduct and the same is proved in an enquiry after giving him reasonable opportunity, his services will be dispensed with.

Casual labourers may be regularised in units other than recruiting units also, subject to availability of vacancies.

X            X    X                            X                            X

The engagement of the casual labourers will continue to be on daily rates of pay on need basis.


The conferment of temporary status has no relation to availability of sanctioned regular group 'D' posts.

No recruitment from open market for group 'D' posts except compassionate appointments will be done till casual labourers with the requisite qualification are available to fill up the posts in question."


5. In the light of the provisions in the scheme, any employee who has been engaged as a casual labourer as on 29.11.89 and who is continuing in employment and rendered continuous service at least one year during the service for a period of 240 days (206 days in the case of offices <sup>is 4</sup> observing five days weeks) ~~are~~ eligible to be considered for grant of temporary status. In the reply statement, the respondents have not stated that the applicant's claim of temporary status has been considered in the light of the provisions contained in Annexure R-1 (a).

6. Having considered the matter, we are of the view that the respondents have admitted in the reply the service of the applicant, who has satisfied the requirements for the grant of temporary status as envisaged in Annexure R-1(a). Hence under these circumstances, he is entitled to be granted temporary status forthwith. Accordingly, we direct the first respondent to grant temporary status to the applicant in the light of the provisions of Annexure R-1(a) taking into consideration his earlier service if it was not already conferred on the applicant. This shall be done without any further delay. We further direct the first respondent to consider the claim of the applicant for regularisation in accordance with the aforesaid scheme, Annexure R-1(a), in his turn and seniority as assured by the respondents in the reply statement.

7. The application, is, therefore, disposed of with the above directions. There will be no order as to costs.

  
8.1.92

(N. DHARMADAN)  
JUDICIAL MEMBER

  
8/1/92

(N. V. KRISHNAN)  
ADMINISTRATIVE MEMBER

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