

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No. 544

1992

DATE OF DECISION 4.9.92

Mary Joseph, part-time contingent Applicant (s)  
sweeper and 11 others

Mr. O.V. Radhakrishnan Advocate for the Applicant (s)

Versus

Supdt. of Post Office, Respondent (s)  
Thalassery Division, Thalassery and others

Mr. V. Ajithnarayanan, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. P.S. Habeeb Mohamed, Administrative Member

The Hon'ble Mr. N. Dharmadan, 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? *As*
3. Whether their Lordships wish to see the fair copy of the Judgement? *W*
4. To be circulated to all Benches of the Tribunal? *W*

JUDGEMENT

Mr. N. Dharmadan, Judicial Member

Applicants are aggrieved by the decision of the respondents to deny them the benefit of 'paid weekly off' on the seventh day after work of six continuous working days.

2. Applicants are part-time contingent Sweepers/ Scavengers in various Post Offices under the Department of Posts. According to them, all of them are continuously working in the post offices from the date when they are allowed to join service. They submitted that they are eligible for the benefit of 'paid weekly off' which the full-time employees are getting. In fact, after <sup>the</sup> decision of the respondents ~~they~~ have been given the benefit with retrospective effect 5.2.1986. Now they are attempting to recover all the amount paid to the applicants towards 'paid weekly off'. It is at this stage the applicants have filed this application under section 19 of the Administrative Tribunals' Act, 1985.

3. Learned counsel for applicants submitted that the decision and consequent recovery is effected without any prior notice and hence the action of the respondents is violative of principles of natural justice.

4. Respondents have filed a statement reiterating their stand taken in O.A. 1657/91 filed by similarly situated persons.

5. When the case was taken up for final hearing, learned counsel appearing on both sides agreed that this case is covered by earlier judgment of this Tribunal in O.A. 1657/91 and other similar cases. We have perused the judgment in O.A. 1657/91 and we are satisfied that this application can be allowed following our earlier judgment. Accordingly, we allow the application and quash/impugned orders Annexure A-7 dated 25.3.91 and Annexure A-8 dated 6.5.91. However, we make it clear that this judgment will not stand in the way of the respondents in taking appropriate action in accordance with law.

6. The application is allowed as indicated above.

7. There will be no order as to costs.

N. Dharmadan  
(N. Dharmadan)  
Judicial Member

4. 10. 92.

P.S. Habeeb Mohamed  
(P.S. Habeeb Mohamed)  
Administrative Member

4/9/92