

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.6/99

Wednesday, this the 3rd day of March, 1999.

CORAM:

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

HON'BLE MR R.K.AHOOJA, ADMINISTRATIVE MEMBER

1. K.Rajasekharan Nair,  
Temporary Status Group D,  
G.P.O., Trivandrum.
2. K.Ramachandran Nair,  
Temporary Status Group 'D'  
G.P.O., Trivandrum. - Applicants

By Advocate Mr Thomas Mathew

vs

1. Deputy Director of Accounts (Postal),  
G.P.O. Complex,  
Trivandrum.
2. Chief Postmaster General,  
Kerala Circle,  
Trivandrum.
3. Union of India represented by  
its Secretary,  
Department of Posts,  
New Delhi. - Respondents

By Advocate Mr Govindh K Bharathan, SCGSC

The application having been heard on 3.3.99, 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 commenced their service as Casual Labourers in G.P.O., Trivandrum on 5.4.77 was conferred with temporary status w.e.f. 1.1.96 according to the scheme for grant of Temporary Status and Regularisation of Casual Labourers. Their grievance is that while according to the scheme of grant of

Temporary Status and Regularisation, no recruitment is to be made from open market to Group 'D' posts except on compassionate grounds till casual labourers with requisite qualification are available to fill up the post in question. The 1st respondent has taken steps by issuing a notification dated 3.12.98 calling for applications from open market for recruitment to the post of Group 'D' thereby taking away the chances of the casual labourers like the applicants for being absorbed on Group 'D' posts. The applicants have therefore filed this application for a declaration that the move of the 1st respondent to fill up the existing 4 posts in the office of the 1st respondent from open market under A-4 notification is illegal, arbitrary, unfair and in violation of the directions contained in paragraph 17 of the Casual Labourers Grant of Temporary Status and Regularisation Scheme and to quash it directing the 1st respondent to consider the applicants for regularisation on the existing Group 'D' posts in the office of the 1st respondent.

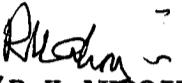
2. Learned SCGSC under instructions from the respondents informed us that the Chief PMG has given instruction to cancel the A-4 notification and to make appointments to Group 'D' posts only from among the casual labourers who are eligible and qualified and on compassionate grounds.

3. It is also stated that the impugned order has since been recalled and the applicants would be considered for regularisation in their turn.

4. In the light of the above development, we find that the relief sought for in this application already been extended by the respondents themselves. Noting the undertaking given by the learned counsel for the respondents that no further

proceedings on the basis of the impugned order shall be taken and that the vacancies in Group 'D' would be filled by considering only the casual labourers with temporary status like the applicants on the basis of their seniority and also on compassionate appointment, we close this application. No costs.

Dated, the 3rd of March, 1999.

  
(R.K. AHOOJA)  
ADMINISTRATIVE MEMBER

  
(A.V. HRIDASAN)  
VICE CHAIRMAN

trs/4399

LIST OF ANNEXURE

1. Annexure A4: True copy of Notification No.995/Admn.I/E.I/C dated 3.12.98 issued by the 1st respondent.

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