

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO.564/2010

Dated this the 2nd day of November, 2010

C O R A M

HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER
HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER

Anitha V.R. W/o Sajan
Upper Division Clerk
Passport Office, Thiruvananthapuram
residing at Kattil Puthen Veedu
Kudavoor, Anayara PO
Thiruvananthapuram.

Applicant

By Advocate Mr. M.R. Sudheendran

Vs

1 Union of India represented by
the Secretary to Government
Ministry of External Affairs
New Delhi.

2 The Joint Secretary (CPV) &
Chief Passport Officer
Ministry of External Affairs
CPV Division, New Delhi.

3 The Passport Officer
Thiruvananthapuram.

Respondents

By Advocate Mr. Sunil Jacob Jose, SCGSC

The Application having been heard on 27.10.2010 the Tribunal delivered
the following:

7/

ORDER

HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The applicant is aggrieved by the inaction on the part of the respondents to regularise her service w.e.f the date of commencement of service, as Peon with all attendant benefits except seniority.

2 The applicant was appointed as daily rated Clerk in the Passport Office Trivandrum on 3.8.92 on being selected through the Employment Exchange. She was later appointed as Peon w.e.f. 10.10.1995, got promotion as LDC w.e.f. 8.11.2002 and UDC w.e.f. 28.11.2008. Her case is that similarly situated Daily Rated Clerks were regularised in service as LDC w.e.f their date of engagement as Daily Rated Clerk as per the directions of this Tribunal in O.A. 903/91 and connected cases and O.A. 1557/98. Applicant submitted representations seeking similar treatment. Since no action was taken, she has filed this O.A for a declaration that she is entitled to get regularised as Peon w.e.f. 3.8.1992 and for counting the service as Daily Rated Clerk for all purposes except seniority.

3 The respondents filed reply resisting the O.A on delay and on merit. Prima facie, they opposed the O.A on delay. On merits, they submitted that the applicant was appointed as Casual Labourer and that there is no documentary evidence to substantiate her claim of appointment as Daily rated Clerk. They submitted that the applicants in the other OAs like Smt. Usha Kumari Amma are not similarly situated as the applicant, they having passed the Special Qualification Examination conducted by the SSC for LDCs while the applicant joined as Peon,

74.

promoted as Daftry and then she passed the limited Departmental Examination for LDC.

4 We have heard learned counsel for the parties and perused the documents produced before us.

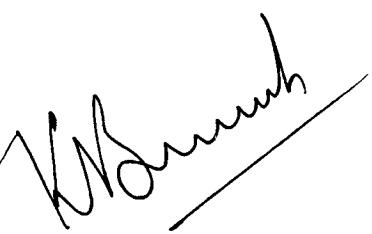
5 The order in O.A. 1557/1998 was pronounced on 20.4.2001 and the appointment of Smt. Usha Kumari Amma as LDC with effect from the date of her initial engagement as casual labourer was issued on 27.7.2005. The applicant has filed this O.A only on 21.6.2010. Admittedly there is delay of 786 days in filing the OA. The reason urged by the applicant is not at all convincing.

6 On merits, we notice that the applicant was engaged as a Casual Labourer w.e.f. 3.8.1992 to 9.10.1995 and later she was appointed as Group-D Lpeon w.e.f. 10.10.1995, later on, promoted as Daftry w.e.f. 18.10.2000 and thereafter, she qualified the Limited Departmental Examination for LDC and appointed so w.e.f. 8.11.2002 and further promoted as UDC w.e.f. 27.11.2008. Whereas, Smt. Usha Kumari Amma though engaged as a Casual Labourer w.e.f. 3.8.1992, she qualified the Special Qualification Examination conducted by the SSC and on passing the same she was appointed as LDC w.e.f. 6.10.1994 and subsequently promoted as UDC. The applicant could not qualify the SQE. However, on representation, she was allowed to continue as a Casual Worker. Therefore we do not find similarity in the service of the applicant and Smt. Ushal Kumari Amma.

DY

7 Though the applicant avers that she was initially engaged as Daily Rated Clerk, she did not qualify the SQE conducted by the SSC and she was regularised as Peon and on passing the departmental test, she was appointed as LDC. Therefore, we do not find any legal infirmity with the action of the respondents in not granting similar benefits to her, as has been granted to Smt. Ushakumari Amma and the applicants in O.A. 1557/98 and connected cases. The O.A is, therefore, dismissed on merits as well as on delay. No costs.

Dated 2nd November, 2010


DR. K. B. SURESH
JUDICIAL MEMBER


K. NOORJEHAN
ADMINISTRATIVE MEMBER

Kmn

