

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.590/93

Friday, this the 27th day of May, 1994.

C O R A M

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR S KASIPANDIAN, ADMINISTRATIVE MEMBER

....

T Govindan Kutty Nair,
Part Time RHA,
Rest House,
Ernakulam RMS,
Cochin-16.

....Applicant

Vs.

1. The Senior Superintendent,
RMS 'EK' Division,
Ernakulam, Cochin--11.

2. Chief Post Master General,
Kerala Circle,
Trivandrum.

3. Union of India represented by
Director General of Posts,
Postal Service Board,
Dak Bhawan, New Delhi.

4. TA Murali,
Extra Departmental Mail Man,
RMS 'EK' Division, Cochin.

5. TS Mohan Das,
RMS 'EK' Division,
Trichur.

....Respondents

R.1-3 by Mr Mathew G Vadakkal, Addl Central Govt Standing Counsel.

Advocate Mr OV Radhakrishnan, Amicus Curiae.

O R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

Applicant seeks regularisation of his service in Group D cadre. Admittedly, he had been working as a part-time casual labour with effect from 1.5.1970. According to him, he was made full-time casual labourer on 12.10.1983. But, this is disputed by the respondents. However, the fact remains that he had been working as a casual labourer for twenty four years from 1.5.1970.

contd.

2. Several decisions of this Bench hold the view that even part-time casual labourers are entitled to temporary status and regularisation. A Full Bench of the Tribunal in its judgement in OA 912/92 and 961/92 dated 7.6.1993 made copious references to the various decisions of this Bench and endorsed the views taken by this Bench. It also referred to the scheme framed pursuant to the directions of the Supreme Court on 29.11.1989. That states that those who were in position on 29.11.89 and were currently employed for one year would be entitled to temporary status. There is no dispute that applicant falls in this category. The Full Bench said further:

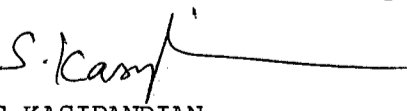
"The object of the scheme is to confer temporary status upon casual labourers who have been rendering service for long years....It is difficult to say that part-time casual labourers who have also served for long (periods) without security of tenure did not merit similar just and fair treatment."

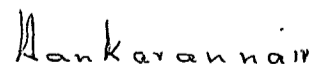
3. We understand the Full Bench as laying down that in the matter of grant of temporary status and regularisation in terms of the scheme dated 29.11.1989, no distinction exists between part-time casual labourers and full-time casual labourers. We understand the Full Bench as affirming the views of this Bench to the effect that part-time casual employees are eligible to be granted temporary status and regularised. Following the Full Bench and the earlier precedents of this Bench, we direct that applicant be granted temporary status with effect from 29.11.1989 and other consequential benefits depending on his placement in the rank list.

4. We record appreciation of the help rendered by Shri OV Radhakrishnan, Advocate, as Amicus Curiae in the absence of counsel for applicant.

5. Application is allowed as above. No costs.

Dated the 27th May, 1994.


S KASIPANDIAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN