

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.605/2002

Thursday this the 19th day of September, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

1. B.Santhoshkuamr, S/o Bhaskaran,  
Thekkemadathilkuzhi Puthen veedu,  
Nemom Village, Pappanamcode PO.
2. B.Sureshkumar S/o Bhaskaran,  
Thekkemadathilkuzhi Puthenveedu,  
Nemom Village, Pappanamcode PO.
3. N.Madhavankutty, S/o Nallathambi,  
Manikantavila Puthenveedu,  
Athiyanoor,  
Aralumoodu PO.
4. K.Sivanandan, S/o M.krishnan Nadar,  
Thunduvila Puthenveedu,  
Pavancode, Malayam PO. ....Applicant

(By Advocate Ms.K.Indu)

v.

1. Union of India, represented by  
its Secretary,  
Ministry of Communications,  
New Delhi.
2. The Chairman Cum Managing Director,  
Bharath Sanchar Nigam Limited,  
Sanchar Bhavan, New Delhi.
3. The Chief General Manager,  
Telecom, Kerala Circle,  
Trivandrum. ....Respondents

(By Advocate Mr.CB Sreekumar (rep)

The application having been heard on 19.9.2002, the Tribunal on the same day delivered the following:

O R D E R

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

Applicants who are casual labourers have in this application prayed for a declaration that they are entitled to be conferred with temporary status as per Annexure.A2 scheme xxxxxxxxxxxx with effect from March, 1994 as they claim to have rendered 240 days of casual service in that year and to direct the respondents to

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grant temporary status to them with effect from March, 1994. The scheme called Casual Labourers (Grant of Temporary status and Regularisation) Scheme was brought into effect with effect from 1.11.1989. Clause 5 of the scheme deals with Temporary Status which reads thus:

"(i) Temporary status would be conferred on all the casual Laboruers currently employed and who have rendered a continuous service of at least one year, out of which they must have been engaged on work for a period of 240 days (206 days in the case of offices observing five days week). Such casual labourers will be designated as Temporary Mazdoors.

(ii) Such conferment of temporary status would be without reference to the creation/availability of regular Group D posts.

(iii) Conferment of temporary status on a casual labour would not involve any change in his duties and responsibilities. The engagement will be on daily rate of pay on a need basis. He may be deployed anywhere within the recruitment unit/territorial circles on the basis of availability of work.

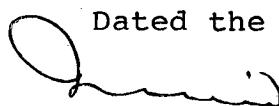
(iv) Such casual labourers who acquire temporary status will not,however, be brought on to the permanent establishment unless they are selected through regular selection process for Group D posts."

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2. It is evident from what is quoted above that to be entitled for grant of temporary status a casual labourer should have been currently employed on the date on which the Scheme was introduced and should have completed 240 days (206 days in the case of offices observing five days week). In the case of applicants even going by the averments in the application these conditions had not been satisfied. The Apex Court has in Union of India v. Mohanpal reported in 2002(4) SCC 573 dealing with a scheme evolved by the Government of India, Department of Personnel in the year 1993 in the same terms as Annexure A2 Scheme held that the scheme was a one time scheme and not an ongoing one and the benefit of temporary status would be available for those casual labourers who have currently employed on the date of commencement of the Scheme and had rendered one year's continuous service. In this case admittedly the applicants had not rendered one years continuous service as on 1.11.89. They have on their own averment completed one years continuous service only in 1994. The Scheme not being an ongoing one but only a one time dispensation, the applicants who did not satisfy the requirement of the Scheme cannot claim grant of Temporary Status.

3. In the light of what is stated above, the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated the 19th day of September, 2002

  
T.N.T. NAYAR  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE-CHAIRMAN

A P P E N D I X

Applicant's Annexures:

1. A-1: True copy of the letter No.ST-4204/II/27 dated 22.2.93 issued to the 1st applicant by the Asstt. General Manager (Admn.), Trivandrum.
2. A-1a: True copy of the letter No.ST 4204/II/27 dated 22.2.93 issued to the 2nd applicant by the Asstt. General Manager (Admn.), Trivandrum.
3. A-1b: True copy of the letter No.ST 4204/II/27 dated 22.2.93 issued to the 3rd applicant by the Asstt. General Manager (Admn.), Trivandrum.
4. A-1c: True copy of the letter No.ST 4204/II/27 dated 22.2.93 issued to the 4th applicant by the Asstt. General Manager (Admn.), Trivandrum.
5. A-2: True copy of the Casual Labourers (Grant of Temporary Status & Regularisation Scheme) dated 7.11.89 issued by Assistant Director General, Dept. of Telecom, New Delhi.
6. A-3: True copy of the request dated 31.1.2002 submitted by the applicants before the 3rd respondent.
7. A-4: True copy of the order in OA No.1723/98 dated 17.7.2001 of this Hon'ble Tribunal.

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