

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 608/90
~~XXXX~~ No.

DATE OF DECISION 25.4.91

~~K.Kamalamma and five others~~ Applicant (s)

Mr.Thomas Mathew Advocate for the Applicant (s)

Versus

Superintendent, Postal Stores Depot, Trivandrum ²³ and ³ others
Respondent (s)

Mr.T.P.M.Ibrahim Khan, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S.P.MUKERJI, VICE CHAIRMAN

The Hon'ble Mr. A.V.HARIDASAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? ☒
2. To be referred to the Reporter or not? ☒
3. Whether their Lordships wish to see the fair copy of the Judgement? ☒
4. To be circulated to all Benches of the Tribunal? ☒

JUDGEMENT

(Hon'ble Shri S.P.Mukerji, Vice Chairman)

In this application dated 20.7.1990 the six applicants who have been working as full-time Sweepers on a casual basis in the Postal Stores Depot, Trivandrum under the Chief Post Master General, Kerala Circle, have prayed that the respondents be directed to absorb the applicants in accordance with their seniority against the regular Group D posts of departmental Sweepers/Scavengers and to grant them temporary status with consequential benefits with effect from 1.10.89. Their further prayers are that they should be given pay at par with the minimum of the pay scale of Group D posts with effect from 2.11.87 and also productivity linked bonus during 1987-88 and 1988-89 as is admissible to Group D staff in the minimum of the pay scale. The brief facts of the case are as follows.

2. The applicants had originally been appointed as part-time Sweepers in the Postal Stores Depot on various dates between 1972 and 1978. By a general order dated 2.11.1987(Annexure-A5) all part-time contingent Sweepers and Scavengers were given the status of full-time Casual Mazdoors by raising their duty hours from 9 a.m to 3 p.m to 9 a.m to 5 p.m. They are

still continuing as full-time casual labourers (Sweepers/Scavengers). They have claimed regularisation against Group D posts in accordance with D.G,P&T's order dated 19.11.83 at Annexure -A6 by which the circular of Ministry of Home Affairs, Department of Personnel's O.M of 13th October, 1983 was adopted. In spite of several representations by some of the applicants, their grievance about regularisation remain unredressed and no action was taken to absorb the applicants in Group D posts whereas other casual labourers who had put in 3 years of service or even less and attached to the second respondent have been absorbed in Group D posts by creating additional posts. The applicants have put in total service ranging from 12 to 18 years but their claims have been ignored while filling up the vacancies. The claim of the first applicant who is the seniormost and belongs to the Scheduled Caste community also has been overlooked. The further directions of the Department of Personnel dated 7.6.85 that all eligible casual workers are to be adjusted against regular posts have also not been implemented. By the order of the Director General of Post dated 11.5.1989 a number of Group D posts were to be created warranted by work which were to be filled up by the ED Agents and if E.D Agents were not available by casual labourers only. Since in the Postal Stores Depot as a unit of recruitment no ED Agents are employed, the applicants would have priority in being appointed to Group D posts. A proposal to create six regular posts of Sweepers/Scavengers was recommended by the Superintendent, Postal Stores Depot in December, 1989 in accordance with the direction of the Director General, but no new posts was created even though there was full justification for creating the posts. The applicants have referred to the letter of the first respondent, i.e., Superintendent Postal Stores Depot dated 12.6.90 on the representation of the second applicant, in which she was intimated that she will be considered along with other casual labourers as and when vacancies arise, according to her turn. In spite of such assurance, the applicants have not been regularised. According to them there are two vacancies in Group D cadre in the Postal Stores Depot, but the respondents are again ignoring the applicants and trying to get outsiders appointed to those posts. The applicants have also urged that they are entitled to temporary status

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with consequential benefits with effect from 1.10.89, but that also has been denied. Their argument is that as full-time casual labourers they were attending the same duties as of Group D employees in addition to their normal duties of sweeping and scavenging, but they were not paid wages for Saturdays and Sundays and denied weekly off days. They were being paid monthly wages which never exceeded Rs.737/- whereas the minimum of pay including dearness allowance of Group D staff is Rs.1035/-. No productivity linked bonus was also given to them during 1987-88 while during 1988-89 they were paid an ex-gratia amount of Rs.300/- only. They have referred to the various rulings of the Supreme Court in Dhirendra Chamoli vs. State of U.P., 1986 SCC(1) 637, Dharward District PWD Literate Daily Wages Employees Association and others etc. vs. State of Karnataka ,1990(1)SCALE 288, in which directions were given to regularise casual labourers or temporary employees who had been retained in service for a long period . They have also referred to the Department of Personnel's letter of 7.6.88 issued on the basis of the judgment of the Supreme Court in Surendra Singh's case ^{time frame} fixing /targets for regularisation of casual workers. They have also argued that they are not being regularised even after 12 to 18 years of service while others with 3 years of service as casual labourers have been regularised ^{which} as discriminatory and against the Articles 14 and 16 of the Constitution. The deliberate inaction on the part of the respondents in not complying with the circulars of the Department of Personnel dated 7.6.88 and D.G,P&T's letter of 11.5.89 amounts to malice in law as they were entitled to be absorbed in accordance with the Annexure-A6 order in 1983 itself.

3. In the counter affidavit the respondents have conceded that the applicants have been employed as full-time casual labourers with effect from 2.11.1987. One vacancy of Group D which occurred in the Postal Stores Depot was filled up in accordance with the Recruitment Rules by absorption of a chowkidar who as a non-test category Group D employee had to be given preference over other categories including casual labourers. They have also conceded that on 16.6.89 a proposal was submitted to the Postal Directorate for creation of 5 posts of Sweepers and one post of Scavenger in Group D cadre, but due to the existing ban on creation of posts, the sanction was not given. The applicants could not be given appointment for want of vacancies. Due to

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the stay order of the Tribunal in O.A 382/90 some of the vacancies in Group D cadre could not be filled. They have argued that women are not considered suitable for appointment as chowkidars. Since the Postal Stores Depot remains closed on Saturdays and Sundays and other holidays, the applicants as casual Sweeper/Scavenger are not employed on these days. Since they do not perform duties for six consecutive days in a week, but only five days in a week they are not paid wages during these days. They are entitled to wages for actual days of duty performed which is being paid. As regards bonus they have stated that casual mazdoors are eligible for adhoc bonus only if they worked for 240 days, 8 hours each day in each of the three consecutive years including the year for which the adhoc payment is made. Since they were brought on 8 hour duty with effect from 2.11.1987 they will become eligible for adhoc bonus in 1990-91.

4. In the rejoinder the applicants have argued that their part-time service prior to 2.11.87 also should be taken into account for regularisation. In accordance with the Annexure-A6 order part-time casual workers who had worked as such for 4 years are also entitled to regularisation and accordingly the applicants were so entitled on 13.10.83 as they had been recruited before 21.3.79 and have put in more than 240 days of service every year from the date of their appointment and also having required educational qualification. They have also stated that they were not considered for the vacancies of Group D posts in the Postal Stores Depot when non-test category persons were selected in violation of their Fundamental Rights under Articles 14, 16 and 21 of the Constitution. They have also referred to the directions given in the Department of Personnel's letter of 7.6.88 at Annexure-A14 directing that eligible casual workers are to be adjusted against regular posts to the extent such regular posts are justified. Some time-limit also had been prescribed for such absorption. For sanction of new posts, the Department of Posts circular dated 7.7.88 at Annexure-A15 has also been referred to. The proposal for the creation of 6 posts was sent^{late} only on 16.6.89, as a result of which they have not yet been sanctioned. The ban on creation of new

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posts does not apply for regularisation of casual workers, otherwise the proposal for additional posts would not have been invited at Annexure -A15. When the Stay Order for filling up the Group D posts was vacated, the respondents instead of considering the applicants, appointed another person in violation of the circular at Annexure-A6. Similarly another vacancy was filled up on 28.8.1989 by appointment of one Shri Jose without considering the applicants. They have also indicated that giving preference to non-test category for filling up Group D posts over casual labourers is illegal, especially when the applicants had been recruited as casual labourers earlier than the non-test category candidates selected in subsequent year. In any case they have neither been considered for Group D vacancies nor for the resultant Group D posts. They have also challenged preference being given for compassionate appointments and have argued that the compassionate appointment given in 1990 could have been given in 1989 when there was a vacancy. They have also stated that denial of full wages to the applicants at par with the departmental Group D Sweeper/Group D Scavenger at the minimum of the pay scale plus other allowances is contrary to the decision of the Supreme Court in Surendra Singh's case even though they are not appointed against sanctioned posts. They have also stated that denial of bonus for the first 3 years of their service is flagrant discrimination against them.

5. In the additional statement filed by the learned counsel for the respondents it has been stated that the applicants could not be absorbed in Group D posts for lack of vacancies and the proposal for conversion of 5 posts of Sweepers and one post of Scavenger has been submitted to the Circle Office. They have referred to the circular dated 17.5.89 of the Ministry of Communications in which it has been stated that for recruiting Group D officials, the order of priority should be as follows:

- i) Non Test Category Group 'D' Officials.
- ii) Extra Departmental Agents of the same Division.
- iii) Casual labourers(Full time or part-time).
For purpose of computation of eligible service, half of service rendered as part time casual labourer should be taken into account. That is, if a part-time casual labourer has served for 480 days in a period of 2 years, he will

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be treated for the purpose of recruitment, to have completed one year as of service as full time casual labourer.

- iv) Extra Departmental Agents of other Divisions in the same region.
- v) Substitutes(not working in Metropolitan Cities)."

On the basis of the aforesaid priority list, the non-test category Group D post was filled up by appointing Shri Nadar in accordance with the judgment of the Tribunal in O.A.382 of 1990. The proposal to convert 6 posts of Sweeper/Scavengers having not been approved, the applicants could not be regularised. About the vacancy filled up Shri Jose, it has been clarified that since Shri Jose had been recruited in relaxation of the normal Recruitment Rules and had been awaiting appointment, he had to be given priority over the casual labourers. Since the Chowkidars in the Postal Stores Depot had to perform night duties also, the applicants could not be considered. About Smt. A.Sharda they have stated ^{she} that since ~~was~~ ^{she} allotted to the unit only in March, 1990, the question of appointing her against a vacancy which arose in 1989 does not arise. The vacancy of 1990 also cannot be given to the applicants in view of the fact that three non-test category Group-D officials are awaiting appointment to test category posts. They have denied having any instructions giving temporary status to casual labourers. Since the applicants started working as full-time casual labourers only with effect from 2.11.87 they would be entitled to bonus only in 1991.

6. We have heard the arguments of the learned counsel for both the parties and gone through the documents carefully. The learned counsel for the applicants brought to our notice the common judgment dated 29th November, 1989 of a three judge Bench of the Hon'ble Supreme Court presided over by the Hon'ble Chief Justice of India in Jagrit Mazdoor Union(Regd.)and others vs. Mahanagar Telephone Nigam Ltd. and another and 3 more petitions reported in 1990 SCC (L&S) 606. In that judgment a reference was made to the scheme known as Casual Labourers (Grant of Temporary Status and Regularisation) Scheme put in operation with effect from October 1, 1989 by the Department of Telecommunications. Paras 5 and 6 of that judgment read as follows:-

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"5. The scheme known as Casual Labourers (Grant of Temporary Status and Regularisation) Scheme has been formulated and put into operation from October 1, 1989 and a copy thereof has been placed for our consideration. We find that the scheme is comprehensive and apart from provision for conferment of temporary status, it also specifies the benefits available on conferment of such status. Counsel for the respondent-Nigams have told us that the scheme will be given full effect and other benefits contemplated by the scheme shall be worked out. In these circumstances, no further specific direction is necessary in the two applications relating to the two Nigams of Bombay and Delhi except calling upon the respondents to implement every term of the scheme at an early date.

6. The two remaining writ petitions relate to the Department of Posts. Though an assurance had been held out by the learned Additional Solicitor General that a separate scheme for the postal employees would be prepared and placed before the court within a time frame, that has not been done. At the hearing, a note containing tentative proposals and a statement as to what has been done by way of improving the conditions of service have, however, been placed before the court. The statement relating to improvements brought about indicates that after April 1986, about 7000 RTPs have been absorbed. Since the RTP category is no more expanding, only about 2900 of them remain to be absorbed. We have been told by learned counsel for the department that equal number of justified and supernumerary posts are being created and the Ministry's proposal is in the hands of the Ministry of Finance for approval and is expected to be finalised soon. This has to be done within a time frame and we direct the posts of both the categories to be created by the end of January 1990, and the process of absorption to be completed by March 31, 1990. With such absorption made, the RTPs will become regular employees. All their claims would, thereafter, be regulated on the basis of entitlement in accordance with extant rules."

From the above it is clear that the Department of Posts had also undertaken to have a similar scheme of regularisation and temporary status for their casual employees. This is confirmed by paras 9 and 10 of the judgment, as quoted below:-

"9. It has been stated that in compliance with that direction the department has already formulated a scheme for absorption of casual labourers and about a thousand justified posts are being created with concurrence of the nodal Ministry. As per existing recruitment rules, extra-departmental agents are given preference in the matter of absorption as Group 'D' postmen. Directions have already been issued for their absorption against the vacancies. It has been pointed out again that casual labourers are being paid bonus while substitutes are not entitled under the existing scheme.

"10. The other note placed before us at the hearing indicates:

1. Justified (by necessity) posts in Groups 'C' and 'D' will be created in the administrative and operative establishment as per the existing norms for creation of posts in consultation with the Finance Ministry;

2. On creation of the posts, recruitment will be done following the existing recruitment rules giving preference to extra-departmental agents over casual labourers;

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3.If on the basis of established norms, casual labourers are in excess, their services shall be dispensed with in accordance with law; and

4. If any casual labourers cannot be retrenched straightaway, they shall be paid wages for three months at the existing rates." (emphasis added)

As regards grant of temporary status to the casual labourers of Postal Department on completion of one year of continuous service and conferment of temporary status, the Supreme Court observed as follows:-

"12.As regards House Rent Allowance, City Compensatory Allowance and Maternity Leave, we see no justification for treating the employees of the Postal Department differently from those covered under the Regularisation Rules in the Telecommunications Department. Temporary status would be available to the casual labourers in the Postal Department on completion of one year of continuous service with at least 240 days of work (206 days in the case of officers observing five days' week)and on conferment of temporary status . House Rent Allowance and City Compensatory Allowance shall be admissible. There would be no justification to withhold Maternity Leave as that is an obligation of the employer under the law and the State as an ideal employer fulfilling the Directive Principles of State Policy envisaged in Part IV of the Constitution should provide the same. After rendering three years of continuous service with temporary status, the casual labourers shall be treated at par with temporary Grade 'D' employees of the Department of Posts and would thereby be entitled to such benefits as are admissible to Group 'D' employees on regular basis". (emphasis added)

7. Since, according to the respondents themselves, the applicants have been given the status of full-time casual labourers with effect from 2.1.87(Annexure-A5), in accordance with the directions of the Supreme Court in the aforesaid case, the applicants would be entitled to the temporary status and all consequential benefits with effect from 1.10.89, if not earlier as they had completed one year of continuous service as full-time casual labourers on 2.11.88 and are still continuing in that capacity.

7. As regards payment of salary and allowances the Department of Personnel based on the ruling of the Supreme Court in Surendra Singh's case had issued a circular No.49014/2/86-Estt(C) dated 7.6.88, extracts of which have been copied at Annexure-A14 . In para 1(iv) it was directed as follows:-

"(iv) Where the nature of work entrusted to the casual workers and regular employees is the same, the casual workers may be paid at the rate of 1/30th of the pay at the minimum of the relevant pay scale plus dearness allowance for work of 8 hours day".

Since the respondents have not questioned the averment made by the applicants that they have been doing the same work as casual labourer/ Scavenger/Sweeper as is done by regular Scavengers/Sweepers, the applicant would be entitled to 1/30th of pay at minimum of the regular pay scale plus dearness and other allowances as admissible to regular employees for work of 8 hours a day from 2.11.87.

8. As regards entitlement to productivity linked bonus the respondents have conceded that casual mazdoors are eligible for adhoc bonus only if they worked for 240 days, 8 hours each day in each of the three consecutive years including the year for which the adhoc payment is made. However, they have denied them the bonus on the ground that they became full-time casual labourer only with effect from 2.11.87 overlooking their part-time casual employment which commenced ^{on various dates} ~~between~~ 1972 and 1978. The respondents, in their statement dated 6th February, 1991 have quoted the Ministry of Communication's letter of 17.5.1989 communicated by the Circle Office letter of 26th June, 1989 indicating the priority for absorbing Extra Departmental Agents and casual labourers as Group D officials. The qualifications for absorption of casual labourers, full-time or part-time, has been indicated as follows:-

Casual Labourers (Full time or part-time)

For purpose of computation of eligible service, half of the service rendered as part time casual labourer should be taken into account. That is, if a part-time casual labourer has served for 480 days in a period of 2 years, he will be treated for the purpose of recruitment, to have completed one year as of service as full time casual labourer.

It is, thus, clear that 480 days of service in 2 years of a part-time casual labourer, is taken to be equivalent to one year's of qualifying service for full-time casual labourer. Since all the six applicants have been working as part-time casual Sweepers/Scavenger with effect from dates or or before 1.6.78 and had rendered, according to the respondents themselves, more than 240 days of casual service every year, by 2.11.87 when they were given status of full-time casual labourer, they had rendered more than nine years part-time casual service which is equivalent to four and a half years full time casual service. If for the matter of absorption two years part-time service is recognised as one year full-time casual service, there is no reason why at least nine years of

part-time casual service should not be recognised as equivalent to at least four and a half years of full-time casual service rendered by each one of them as on 2.11.87. Thus, all the applicants can be deemed to have put in three years or more of full-time casual service ^{as on dates} from 2.11.87 onwards. Accordingly they are entitled to productivity ^h linked bonus or any other version of it from the year 1987-88 onwards which had been granted to full-time casual labourers with three years of continuous service prior to each bonus year.

9. Now we come to the last point about regularisation through absorption of the applicants in Group 'D' cadre. In this connection the relevant provisions in the scheme of regularisation and temporary status as adopted by the Department of Telecommunications and circulated by that department through its letter No.269-10/89-STN dated 7.11.1989 reads as follows:-

"The provisions in the Scheme would be as under:-

A) Vacancies in the Group 'D' Cadres in various offices of the Department of Telecommunications would be exclusively filled by regularisation of casual labourers and no outsiders would be appointed to the cadre except in the case of appointments on compassionate grounds, till the absorption of all existing casual labourers fulfilling the eligibility conditions including the educational qualifications prescribed in the relevant Recruitment Rules. However, regular Group D staff rendered surplus for any reason will have prior claim for absorption against existing/future vacancies. In the case of illiterate Casual Labourers, the regularisation will be considered only against those posts in respect of which illiteracy will not be an impediment in the performance of duties. They would be allowed age relaxation equivalent to the period for which they had worked continuously as casual labour for the purposes of the age limits prescribed for appointment to the Group D cadre, if required. Outside recruitment for filling up the vacancies in Gr.D will be permitted only under the conditions when eligible casual labourers are NOT available.

B) Till regular Gr.D vacancies are available to absorb all the casual labourers to whom this Scheme is applicable, the casual labourers would be conferred "

The Supreme Court in the Jagrit Mazdoor Union case cited earlier directed that a similar scheme should be adopted for Postal Department also. The respondents before us themselves had proposed creation of six posts for the absorption of the six applicants, but the same had not been approved. No reason has been given for not creating these six posts while getting the work done by engaging the six applicants and retaining them on a casual basis for 12 to 18 years. In K.C Rajeevan and 15 others vs. State of Kerala and 2 others, (1991) 1 SCC 31, the Supreme Court while dealing with the case of regularisation of the

employees, observed as follows:-

"9. India is a developing country. It has a vast surplus labour market. Large scale unemployment offers a matching opportunity to the employer to exploit the needy. Under such market conditions the employer can dictate his terms of employment taking advantage of the absence of the bargaining power in the other. The unorganised job seeker is left with no option but to accept employment on take-it-or leave-it terms offered by the employer. Such terms of employment offer no job security and the employee is left to the mercy of the employer. Employers have betrayed an increasing tendency to employ temporary hands even on regular and permanent jobs with a view to circumventing the protection offered to the working classes under the benevolent legislations enacted from time to time. One such device adopted is to get the work done through contract labour. It is in this backdrop that we must consider the request for regularisation in service".(emphasis added)

In a similar strain the Supreme Court in Daily Rated Casual Labour employed under P&T Department etc vs. Union of India,(1988)1 SCC 122, held as follows:-

"Of those rights the question of work is of utmost importance. If a person does not have the feeling that he belongs to an organisation engaged in production he will not put forward his best effort to produce more. That sense of belonging arises only when he feels that he will not be turned out of employment the next day at the whim of the management. It is for this reason it is being repeatedly observed by those who are in charge of economic affairs of the countries in different parts of the world that as far as possible security of work should be assured to the employees so that they may contribute to the maximisation of production".

In the aforesaid K.C Rajeevan's case while considering the regularisation of temporary hands working for a long period, the Supreme Court observed as follows:-

" This is a clear indication that in the past the government also considered it just and fair to regularise the services of those who had been in continuous service for two years prior to the cut-off date. The spirit underlying this treatment clearly shows that the government did not consider it just, fair or reasonable to terminate the services of those who were in employment for a period of two or more years prior to the cut-off date. This approach is quite consistent with the spirit of the rule which was intended to be invoked to serve emergent situations which could not brook delay. Such appointments were intended to be stop-gap temporary appointments to serve the stated purpose and not long term ones. The rule was not intended to fill a large number of posts in the service but only those which could not be kept vacant till regular appointments were made in accordance with the rules. But once the appointments continued for long, the services had to be regularised if the incumbent possessed the requisite qualification as was done by sub-rule(e). Such an approach alone would be consistent

with the constitutional philosophy adverted to earlier. Even otherwise, the rule must be so interpreted, if the language of the rule permits, as will advance this philosophy of the Constitution. If this rule is so interpreted it seems clear to us that employees who have been working on the establishment since long, and who possess the requisite qualifications for the job as obtaining on the date of their employment, must be allowed to continue on their jobs and their services should be regularised. It is unfair and unreasonable to remove people who have been rendering service since some time as such removal has serious consequences. The family of the employee which had settled down and accommodated its needs to the emoluments received by the bread winner, will face economic ruination if the job is suddenly taken away. Besides, the precious period of early life devoted in the service of the establishment will be wholly wasted and the incumbent may be rendered 'age barred' for securing a job elsewhere. It is indeed unfair to use him, generate hope and a feeling of security in him, attune his family to live within his earnings and then suddenly to throw him out of job. Such behaviour would be an affront to the concept of job security and would run counter to the constitutional philosophy, particularly the concept of right to work in Article 41 of the Constitution. Therefore, if we interpret Rule 9(a)(i) consistently with the spirit and philosophy of the Constitution, which it is permissible to do without doing violence to the said rule, it follows that employees who are serving on the establishment for long spells and have the requisite qualifications for the job, should not be thrown out but their services should be regularised as far as possible. Since workers belonging to this batch have worked on their posts for reasonably long spells they are entitled to regularisation in service".(emphasis added)

10. In the light of the aforesaid clear rulings of the Supreme Court and the respondents own proposal to have six posts for absorption of the six applicants who appeared to us to be at the lowest rung of the lowest cadre of part-time and then full-time casual Scavengers/Sweepers, we have no hesitation in directing that they should be regularised forthwith by creating or otherwise finding six Group'D' posts. Till such time as they are absorbed, they should be given all the benefits of casual labourers with temporary status as are available under the Scheme of Regularisation and Temporary Status promulgated by the Department of Telecommunications.

11. In the conspectus of facts and circumstances we allow the application with the following directions and declarations:-

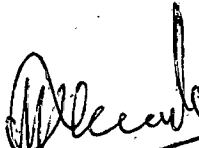
- i) The six applicants are entitled to the grant of temporary status and consequential benefits with effect from 1.10.89 as envisaged in the Scheme of Regularisation and Temporary Status adopted by the ^{sister} Department of Telecommunications.


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- ii) The applicants are entitled to the minimum of the pay scale of Group 'D' post with effect from 2.11.87.
- iii) The applicants are entitled to such bonus during 1987-88 and 1988-89 as was given to the casual workers who had more than four and a half years of continuous service as on 2.11.1987.
- (iv) The applicants are entitled to be regularised forthwith against the six posts of Scavengers/Sweepers for which proposal had been made by the respondents and till they are absorbed in Group 'D' cadre, they should be continued as of temporary status with all consequential benefits.
- (v) Orders sanctioning the financial and other benefits on the basis of their entitlements, as declared above, should be issued within a period of two months from the date of communication of this order and payment of arrears of wages, allowances and other monetary benefits flowing from their aforesaid entitlements should be effected within a period of two months thereafter.

12.

There will be no order as to costs.


25/11/91
(A.V. Haridasan)
Judicial Member


25-4-91
(S.P. Mukerji)
Vice Chairman

n.j.j

22.6.92. CCP No. 52/92

Mr. Prappancode V. Sreedharan Nair
Mr. Shefiq. for respondents.

The learned counsel for the respondents wishes to file reply to the CCP. He may do so within three weeks with a copy to the learned counsel for the petitioner.

List for further directions on 20.7.92.

AVH

22.6.92.

SPM

20-7-92
(21)

Mr Sudheer
Mr Shafik

At the request of the learned counsel for the respondents who seeks 10 days time to file a statement, list for further direction on the CCP on 31.7.92. In case the statement is not filed by that time, the alleged contemner will have to appear in person before us on that date to explain why proceedings under the Contempt of Courts Act be not initiated against him.

A copy of this order be given to the learned counsel for the respondents by hand.

(AVH)

(SPM)

20-7-1992

31.7.92 Mr. Sreedharan Nair through proxy
Mr. Shefiq-for respondents.

At the request of the learned counsel for the petitioner, list for further directions on CCP on 18.8-92.

AVH

31.7.92

SPM

18/8/92 Mr. Sreedharan, the proxy.
Mr. Shefiq.

At the request of the learned counsel for the original respondents, list for further directions on 25-8-92

25/8/92

SPM
18/8

Rejoinder
filed on
17/8/92. P.H.
84

Order dt 20/7/92
issued

Reply filed
by Mr. 31/7/92
for

25.8.92

Mr. Shefik-rep. Ibrahim Khan
Mr. Erappancode Sreedharan Nair
through proxy

Heard the learned counsel for both the parties.

The learned counsel for the respondents states that the directions of this Tribunal have been complied with ⁱⁿ all respects except that the applicants have not yet been regularised for lack of vacancies. However, he admits that three vacancies are available and steps are being ^{taken} made to divert three more vacancies to accommodate the applicants. The learned counsel for the respondents seeks six weeks time and assures that within that period all the six applicants shall be regularised. Accordingly we allow six weeks time to the respondents to regularise all the applicants, failing which the Contemners shall be directed to appear in person to explain why proceedings under the Contempt of Courts Act be not initiated against them.

List for further directions on CCP on 13th
October, 1992.

ND

25.8.92

SPM

13.10.92

Mr. Sreedharan Nair through proxy
Mr. Shefik-for respondents

Heard the learned counsel for both the parties. The learned counsel for the respondents showed us an order by which all the six applicants have been given absorption as non-test category Group 'D' post. They have also been given temporary status and all other benefits as per our judgment dated 25.4.91 in O.A.603/90. Accordingly the C.P(C) is closed and notice discharged.

(AV Haridasan)
J.M.

13.10.92

(SP Mukerji)
VC

12
268
m-ken

Order dt: 25/8/92
J. M.

F.O.
13/10
mken