

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.Nos. 2069/93, 2084/93, 2098/93, 2333/93, 1/94, 7/94
20/94, 55/94, 63/94, 109/94, 162/94, 188/94
346/94 and 408/94.

Monday this the 28th day of November, 1994

CORAM

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

O.A.No.2069/93

1. Mary Joseph, PTC Sweeper, Thalassery P.O.
2. Elizabeth Francis, PTC Sweeper of do.
3. Mery Fernandex, PTC Scavanger, Thalassery.P.O
4. P.Kalliyani, PTC Sweeper, Panoor Post Office.
5. P.Madhavi, PTC Sweeper, Dharmadam,P.O.
6. K.Nani, PTC Sweeper, Champad P.O.
7. Illickal Mariyamma, PTC Sweeper, Peravoor P.O.
8. Chalikkal Ponnamma, PTC Sweeper, Kelakam P.O.
9. P.Madhu, PTC Sweeper, Nirmalagiri.P.O.
10. Mythili.K, PTC Sweeper, Thovakkunnu.P.O.
11. U.V.Premalatha, PTC Sweeper, Thaliparamba.P.O.
12. C.V.Yesodha, PTC Sweeper, Thaliparamba.P.C.
13. K.Nani, PTC Sweeper, Nettur P.O.
14. K.P.Reghunathan, PTC Sweeper, Iritty.P.O.
15. M.Sreedharan, PTC Gardanar, Thalassery.P.O.
16. T.P.Madavikutty, OTC Sweeper, Trikkateri.P.O.
17. V.C.Chakki, PTC Sweeper, Manisseri.P.O.
18. P.Nani, PTC Sweeper, Vengasseri.P.O.
19. S.Devaki, PTC Sweeper, Thottakkara.P.O
20. K.Kunhumalu Amma, PTC Sweeper, Kavalappara P.O.
21. C.Narayani, PTC Sweeper, Geneshgiri.P.O.
22. K.Janaki, PTC Sweeper, Shoranur.P.O.
23. P.Saraswathi, PTC Sweeper, Chunangad.P.O.
24. K.Chandran, PTC Sweeper, Shoranur.
25. M.Leela, PTC Sweeper, Chalavara.P.O.
26. R.Radhika, PTC Sweeper, Shornur.P.O.
27. P.Narayani, PTC Sweeper, Kadambur.P.O .
28. K.Parukutty, PTC Sweeper, Vaniyankulam.P.O.
29. K.Sarojini, PTC Sweeper, Shoranur Govt.Press.



30. N.Padmavathi Amma, PTC Sweeper, Kanniyampuram.P.O
31. P. Mundhi, PTC Sweeper, Pallipuram.P.O.
32. K.Kunjummu Umma, PTC Sweeper, Kalladikode.
33. M.P.Saraswathi, PTC Sweeper, Mundur.P.O.
34. E.Visalakshi, PTC Sweeper, Chelakkara.P.O.
35. P.Kallianikutty Amma, PTC Sweeper, Killimangalam.PO.
36. C.L.Varghese, PTC Sweeper, Peramangalam.
37. V.Govindan Nair, PTC Water Carrier, Chelakkara.PO
38. P.A.Kali, PTC Sweeper, Mullukkara.P.O.
39. N.A.Kunhi Pennu, PTC Sweeper, Anthikad.P.O.
40. P.D.Annamma, PTC Sweeper, Arimpur.P.O.
41. N.K. Remani, PTC Sweeper, Nadathara.P.O.
42. P.Amminix Amma. PTC Sweeper, Vadakkancherry Railway Station.P.O.
43. P.P.Valliyamma, PTC Sweeper, Pazhuvil.P.O.
44. Kunhikali.T.K, PTC Sweeper, Varandrapally.P.O.
45. M.T.Madhavi, PTC Sweeper, Tiruvatra.P.O.
46. P.V.Jameela, PTC Sweeper, Puthanpalli.P.O.
47. T.A.Mariyama, PTC Sweeper, Kanippayyur.P.O.
48. C.Abu, PTC Sweeper, Kuttanad.P.O.
49. P.S.Mariyamma, PTC Sweeper, Kunnankulam.HPO.
50. P.K.Kalliani, PTC Sweeper, Parayil Bazar.P.O. Kunnankulam.
51. A.V.Beekunhi, PTC Sweeper, Chavakkad.P.O.
52. V.M.Thachutty, Ex-Water Carrier, Chavakkad.P.O.
53. T.S.Meenakshi, PTC Sweeper, Kottapadi.P.O.
54. K.S.Janaki, PTC Sweeper, Mattam.P.O.
55. K.Kali, PTC Sweeper, Kadavallur.P.O.
56. M.K.Kali, PTC Sweeper, Kattakampal.P.O.
57. V.Parukutty Amma, PTC Sweeper, Karikkad.P.O.
58. K.K.Thanka, PTC Sweeper, Nhamanghat.P.O
59. M.P.Kochumariyam, PTC Sweeper, Koonammoochi.P.O
60. P.K.Devaki, PTC Sweeper, Kizhur.P.O.
61. M.O.Susanna, PTC Sweeper, Vadakkekad.P.O.
62. C.S.Annamma Simon, PTC Sweeper, Thozhiyur.P.O.
63. P.J.Prema, PTC Sweeper, Pazhanji.P.O.
64. P.U.Ammuni, PTC Sweeper, Kunnankulam.P.O.
65. P.O.Ukkuru, Ex-Water Carrier, Kunnankulam.P.O.
66. K.A.Santha, PTC Sweeper, Guruvayur West.P.O.
67. K.Sankaran Ezhuthachan, PTC Water Carrier,



68. P.Kunharam, PTC Sweeper, Arthat.P.O.
 69. P.K.Neeli, PTC Sweeper, Muduvattur.P.O.
 70. V.Kunchi Amma, PTC Sweeper, Vadakkancherry HPO.
 71. V.Lakshmi Amma, ~~Ex~~ PTC Sweeper, do
 72. P.Chami, Scavanger, Ottapalam HPO.
 73. P.Kurumba, Sweeper, do.
 74. V.Leela, Sweeper, do.
 75. P.Kamalam, PTC Sweeper, do.
 76. A.Kunjukutty Amma, PTC Sweeper, Trichur Railway Station.P.O.
 77. A.V.Karthiayani, PTC Sweeper, Vellanikkara.
 78. K.V.Ammuni, PTC Sweeper, Vadanappally.P.O.
 79. V.N.Sarojini, Ex-PTC Sweeper, PSD and ~~CL~~ CL-IV P.S.D. Trichur-4.
 80. C.L.Selina, PTC Sweeper, Ammadam.P.O.
 81. C.M.Subaitha, PTC Sweeper, Chiyaram.P.O.
 82. Pathunni.A., PTC Sweeper, Agalad.P.O.
 83. C.S.Lakshmi, PTC Sweeper, Choondal.P.O.
 84. A.A.Kalipennu, PTC Sweeper, Thaikkad.P.O.
 85. M.T.Elia, PTC Sweeper, Erumapetty.P.O.
 86. Ammini.K.K., PTC Sweeper, Marathankode.P.O.
 87. C.J.Martha, PTC Sweeper, Chalissery.P.O.
 88. Ammini Prarath, PTC Sweeper, Punnayurkulam.P.O.
 89. K.Sivadasan, Ex-PTC Sweeper, Shoranur.P.O.
 90. N.K.Kalliani, PTC Sweeper, Kadavathoor.P.O.Thalassery.
 91. M.Lakshmi, PTC Sweeper, Temple P.O,Thalassery.
 92. Devaky.V., PTC Sweeper, Peruvambu.P.O.
 93. A.Sasidharan, PTC Sweeper,Edathara.P.O.
 94. K.Kothammu, PTC Sweeper, Venkidangu.P.O.
 95. T.V.Leela, PTC Sweeper, Venkidangu.P.O.
 96. V.A.Cheeru, PTC Sweeper, Kandassankadavu
 97. P.S.Lakshmikutty, PTC Sweeper, Mullassery.P.O.
 98. Janaki.P.C, PTC Sweeper, Edamuttam.P.O.
 99. P.D.Alfonsa, PTC Sweeper, Edathiruthy.PO,Irinjalakuda
 100. Leela.T.K, PTC Sweeper, Kanjani.P.O, Trichur.
 101. C.K.Kalliani, PTC Sweeper,Kaiparambu.P.O.
 102. P.N.Sarojini, PTC Sweeper,Peringottukara.P.O.
 103. M.V.Padmavathi, PTC Sweeper, Nattikara.P.O.
 104. K.T.Leela, PTC Sweeper, Thanissery.P.O.
 105. P.Leelavathy Amma, PTC Sweeper, Guruvayur Temple.PO.
 106. K.R.Janaki, PTC Sweeper, Guruvayoor PO.
 107. A.A.Thankamani, PTC Sweeper, Daluvai PO.
- (By Advocate Mr.Nagaresh/OV Radhakrishnan)



Respondents

1. Director General of Posts
Department of Posts, New Delhi.
2. Assistant Director General (SPN)
Department of Posts, New Delhi.
3. Chief Postmaster General
Kerala Circle, Thiruvananthapuram.
4. Senior Superintendent of Post Offices
Trichur Division, Trichur-680 001.
5. Senior Superintendent of Post Offices,
Palghat Division, Palghat-678 001.
6. Superintendent of Post Offices
Tellicherry Division, Tellicherry-670 102.
7. Superintendent of Post Offices
Kannur Division, Kannur-670 001.
8. Superintendent of Post Offices
Irinjalakuda Division, Irinjalakuda-680 121.
9. Superintendent of Post Offices
Ottappalam Division, Ottappalam-679 104.
10. Union of India, represented by its Secretary,
Ministry of Communications, New Delhi.

(By Advocate Mr. Bahuleyan for Sr. Central Govt. Standing Counsel)

O.A.2084/93

1. K.K.Rosy, Part-time Contingent Mazdoor
Trichur City Post Office, Trichur.
2. Janaky C.K. Part-time Contingent Mazdoor
Thrithaloor Post Office, Thrithaloor
Trichur..
3. Kamalakshy PN, Part-time Contingent Mazdoor
Vayyur Post Office, Trichur.
4. A.V.Karthiayani, Part-time contingent Mazdoor
Vallanikkara Post Office, Trichur.
5. N.V.Pushkaran, Part-time Contingent Mazdoor
Chittattukara Post Office, Trichur.
6. C.U.Janaky, Part-time Contingent Mazdoor
Parappur Post Office, Trichur.
7. P.A.Kochammu, Part-time contingent
Mazdoor, Piranattukara Post Office, Trichur.
8. P.L.Mary, Part-time Contingent Mazdoor
Kanimangalam Post Office, Trichur.
9. Paru K, Part-time Contingent Mazdoor
Pothole Post Office, Trichur.

..... Applicants

(By Advocate Mr. P.Ramakrishnan)



Vs.

1. Union of India, represented by the Director General of Posts, New Delhi.
2. The Chief Post Master General, Kerala Circle, Trivandrum.
3. The Sr. Superintendent of Post Offices, Trichur Division, Trichur. ... Respondents

(By Advocate Mr. C.Kochunni Nair, Sr. Panel Counsel)

O.A. 2098/93

1. C.K.Sathi, Sweeper
O/o Sr. Supdt. of Post Offices,
Ernakulam, Kochi.11.
2. Cicily Antony, Sweeper
Ernakulam HPO, Kochi.11.
3. P.L.Antony, Sweeper,
Ernakulam HPO, Kochi.11.
4. M.V.Madhavan, Sweeper
Ernakulam HPO, Kochi.11.
5. Vemmy Joseph, Sweeper
Cochin Foreign Post, Kochi.11.
6. Mary Joseph, Sweeper,
Cochin Foreign Post, Kochi.11.
7. P.R.Surendran, E.D.L.B. Peon
(formerly Water Carrier)
Ernakulam HPO, Kochi.11.
8. Neeli, Sweeper, O/o Sr.
Supdt. of Post Offices, Ernakulam
Kochi.11.
9. Chacko Kuriacko, Sweeper
Puthencruz po.
10. T.N.Omana, Gardner,
Puthencruz po.
11. Mary, Sweeper, Banerji Road
PO, Ernakulam. ... Applicants

(By Advocate Mr.M.Paul Varghese)

Vs.

1. Director General of Posts, Dptt. of Posts
New Delhi.
2. Chief Post Master General, Kerala Circle,
Thiruvananthapuram.
3. Sr. Supdt. of Post Offices,
Ernakulam Division, Kochi. 11.
4. Union of India, represented by
its Secretary, Ministry of Communications,
New Delhi. Respondents

(By Advocate

O.A.2333/93

1. K. Appu, Part-time Sweeper
Head Record Office, RMS TV Divn.
Trivandrum.1.
2. K. Sarojini, Part-time Sweeper
Head Record Office, RMS TV Divn.
Trivandrum.1.
3. G. Saramma, Part-time Sweeper
Head Record Office, RMS TV Divn.
Trivandrum.1
4. C. Rajamma, Part-time Sweeper
Head Record Office, RMS TV Divn.
Trivandrum.1.

..... Applicants

(By Advocate Mr. Thomas Mathew)

Vs.

1. Senior Superintendent, RMS TV Divn.
Trivandrum.3.
2. Chief Postmaster General,
Kerala Circle, Trivandrum.
3. Director General, Deptt. of
Posts, New Delhi.
4. Union of India, represented by
its Secretary, Ministry of Communications,
New Delhi.

.... Respondents

(By Advocate Mr. C. Kochunni Nair, Sr. Panel Counsel)

O.A.1/94

1. R. Karunakaran, Part-time Watchman
Head Record Office, RMS Trivandrum.
2. N. Krishnan Nair, Part-time Watchman
Head Record Office, RMS Trivandrum.
3. K. Sukumaran Nair, Part-time Watchman
Head Record Office, RMS Trivandrum.

.... Applicants

(By Advocate Mr. Thomas Mathew)

Vs.

1. Sr. Superintendent, RMS TV Divn.
Trivandrum.
2. Chief Postmaster General,
Kerala Circle, Trivandrum.
3. Director General, Deptt. of
Posts, New Delhi.
4. Union of India, represented by its
Secretary, Ministry of Communications,
New Delhi.

.... Respondents

(By Advocate Mr. C. Kochunni Nair, Sr. Panel Counsel)

O.A.7/94

G.Parameswaran Nair, Mailman, Head Record Office,
Railway Mail Service, Trivandrum.1.

... Applicant

(By Advocate Mr. Thomas Mathew)

Vs.

1. Senior Superintendent, Railway Mail Service
TV Division, Trivandrum.3.
2. Chief Postmaster General, Kerala Circle,
Trivandrum.
3. Director General, Department of Posts
New Delhi.
4. Union of India, represented
by its Secretary,
Ministry of Communications,
New Delhi.

(By Advocate Mr. C.Kochunni Nair, Sr.Panel Counsel)

O.A.20/94

1. K.I.Suresh Babu, Extra Departmental Mailman,
Head Record Office, RMS 'EK' Division, Kochi-16.
2. M.K.Sukumaran, Extra Departmental Mailman,
Head Record Office, RMS 'EK' Division, Kochi-16.
3. P.K.Kochukutty, Part-time Scavenger,
Kochi Sorting Air, Kochi-35.
4. A.K.Parvathy, Part-time Sweeper of do.
5. M.K.Subha, Part-time Sweeper of do.
6. M.A.Padmavathy, Part-time Sweeper,
Head Record Office, Ernakulam.
7. P.Janu, Part-time Sweeper of do.
8. P.K.Kelan, Part-time Sweeper,
Sub Record Office, RMS 'EK' Division, Irinjalakuda.
9. O.T.Krishnankutty, Part-time Sweeper-cum-Scavenger,
Sub Record Office, RMS 'EK' Division, Muvattupuzha.
10. T.Manikandan Pillai, Extra Departmental Mailman,
Sub Record Office, RMS 'TV' Division, Kollam-1.
11. M.O.Appukuttan, Part-time Sweeper,
Sub Record Office, RMS 'TV' Division, Alappuzha.
12. K.Gouri, Part-time Sweeper,
Sub Record Office, RMS 'TV' Division, Changanacherry.
13. P.A.Kurian, Part-time Watchman, Sorting Office,
RMS 'TV' Division, Changanacherry.
14. K.Sivaraman, Part-time Casual Labour,
SRO RMS 'TV' Division, Kollam.
15. K.Babu, Extra Departmental Mailman,
RMS 'TV' Division, Kollam.
16. S.Selvarajan, Part-time Rest House Attendant,
RMS Rest House, RMS 'TV' Division, Shencottah.R.S.
17. R.K.Manikandan, Part-time Casual Mazdoor,
SRO, RMS 'CT' Division, Kuttippuram.
18. K.Devadas, Part-time Casual Labour,
Sub Record Office, RMS 'CT' Division, Shoranur.
19. R.Venugopalan, Part-time Casual Labour,
Sub Record Office, RMS 'CT' Division, Shoranur.

20. K.Sreedharan, Part-time Sweeper,
SRO, RMS 'EK' Division, Kunnankulam.
21. K.K.Alagar, Part-time Casual Labour,
SRO, RMS 'TV' Division, Tiruvalla.
22. M.S.Soman, Part-time Casual Labour,
SRO, RMS 'TV' Division, Tiruvalla.
23. K.Pankajakshan, Part-time Casual Labour,
SRO, RMS 'TV' Division, Tiruvalla.
24. P.Subramanian, Extra Departmental Mailman,
Head Record Office, RMS 'CT' Division, Calicut.
25. P.Anilkumar, Part-time Casual Labour,
HRO, RMS 'CT' Division, Calicut.
26. T.P.Ramachandran, Part-time Casual Labour,
HRO, RMS 'CT' Division, Calicut.
27. V.P.Vinodkumar, Part-time Casual Labour,
HRO, RMS 'CT' Division, Calicut.
28. V.Mohandas, Extra Departmental Mailman of do.
29. E.Ramakrishnan, Part-time Casual Labour of do.
30. K.Sadanandan, Part-time Casual Labour of do.
31. K.Kuttikrishnan, Part-time Casual Labour of do.
32. A.K.Bhaskaran, Part-time Casual Labour of do.
33. T.K.Venugopal, Extra Departmental Mailman of do.
34. P.M.Manoharan, Extra Departmental Mailman,
SRO, RMS 'CT' Division, Vadakara.
35. K.P.Dinesan, Extra Departmental Mailman,
SRO, RMS 'CT' Division, Kannur.
36. Christian Bazil, Extra Departmental Mailman,
SRO, RMS 'CT' Division, Kannur.
37. K.Subhash Babu, Extra Departmental Mailman,
SRO, RMS 'CT' Division, Thalasserry.
38. P.D.Mary, Part-time Sweeper.
Sub Record Office, Trissur.
39. U.R.Rajamma, Part-time Sweeper-cum-Scavenger,
HRO, RMS 'EK' Division, Kochi-16.

(By Advocate Mr.Nagaresh/OV Radhakrishnan)

Respondents

1. Director General of Posts,
Department of Posts, New Delhi.
2. Assistant Director General (SPN)
Department of Posts, New Delhi.
3. Chief Postmaster General
Kerala Circle, Thiruvananthapuram.
4. Senior Superintendent of RMS
RMS 'EK' Division, Kochi-11.
5. Senior Superintendent of RMS
RMS 'TV' Division, Thiruvananthapuram.
- (6. Superintendent of RMS, RMS CT Divn.)
Kozhikode.
7. Union of India, rep.by its Secretary
Ministry of Communications, N.Delhi.

(By Advocate Mr. Bahuleyan for Sr.CGSC)

O.A. 55/94

S.Thankappan, Extra Departmental Mail Man
Head Record Office, Railway Mail Service,
Trivandrum.

... Applicant

(By Advocate Mr.Thomas Mathew)

Vs.

1. Senior Superintendent, Railway Mail Service,
TV Division, Trivandrum. 3.
2. Chief Postmaster General, Kerala Circle,
Trivandrum.
3. Director General, Department of Posts
New Delhi.
4. Union of India represented by its
Secretary, Ministry of Communications,
New Delhi.

... Respondents

(By Advocate Mr. C.Kochunni Nair, Sr.Panel Counsel)

O.A. 63/94

- | | |
|-----------------------------|--|
| 1. M.D.Rosa, P.T.C.Mazdoor, | Ayyanthole Post Office, Trichur. |
| 2. P.R.Leela, -do- | Manalur Post Office, Manalur |
| 3. P.G.Shyamala -do- | Puzhakkal Post Office, Puzhakkal. |
| 4. Pathumma, -do- | Kanimangalam Post Office, Kanimanglam. |
| 5. Thanga, -do- | Kanattukara Post Office, Kanattukara,
Trichur.11. |
| 6. Valliyammal, -do- | Kaniyarkode P.O. Kaniyarkode. |
| 7. Kurumba, -do- | Thiruvillwamala P.O. Thiruvillwamala. |
| 8. Lakshmikutty, -do- | Mullassery PO, Mullassery. |
| 9. Thankamma -do- | Velloor P.O. Velloor. |
| 10. Cheeru -do- | Kandassamkadave P.O. Kandassamkadav. |
| 11. V.R.Kochamma -do- | Koorkancherry P.O. Trichur. |
| 12. Ammini Anna, -do- | Engandiyoor PO, Engandiyoor. |
| 13. O.K.Madhavi -do- | Kundiliyoor PO, Kundiliyoor. |
| 14. P.D.Mary, -do- | Kuriyachira PO, Kuriyachira, Trichur.6 |
| 15. Chandramathi Anna -do- | Mulankunnathkavu PO, Mulankunnathkavu. |
| 16. P.M.Shyamala -do- | Trichur East. |
| 17. T.K.Leela -do- | Kanhani Post Office, Kanhani. |
| 18. K.A.Sathy -do- | Trichur H.P.O. Trichur. |
| 19. P.V.Rosy -do- | Puvathoor P.O. Puvathoor. |
| 20. Smt. Bhargavi -do- | Trichur H.P.O. Trichur. |
| 21. C.R.Aleya -do- | Trichur H.P.O. Trichur. |
| 22. P.K.Padmini -do- | Andathodu PO, Andathodu. |
| 23. Ammini Anna -do- | Trichur H.P.O. Trichur. |
| 24. Santhoshkumar -do- | Pullazhi P.O. Pullazhi, Trichur. |

(By Advocate Mr.P.Ramakrishnan)



Vs.

1. Union of India, represented by the Director General of Posts, New Delhi.
2. The Chief Post Master General, Kerala Circle, Trivandrum.
3. The Senior Superintendent of Post Offices, Trichur Division, Trichur. ... Respondents

(By Advocate Mr. Bahuleyan for Sr.C.G.SC)

O.A.109/94

1. P.Anilkumar, Kadalundi PO, Kozhikode Dist.
2. K.Haridasan, Kundulli House, Ayankalam PO, Tavanur, Malappuram Dist.
3. V.Asharaf, Vakayil House, PO, Kuttippuram, Malappuram Dist.
4. K.Unnikrishnan, Kalarickal House, PO Parathur, Pallippuram, Palakkad Dist.
5. P.Unnikrishnan, Ponmanthode House PO Naduvattam, Kuttippuram, Malappuram Dist.
6. T.Alikutty, Thottathil House, PO Kuttippuram, Malappuram Dist.
7. V.P.Kali, Thottathil House, PO Muttippuram, Malappuram Dist. ... applicants

(By Advocate Mr.P.K.Aboobacker (Edathala)

Vs.

1. The Assistant Director General (SPN) Government of India, Ministry of Communications, Department of Posts, Dak Bhavan, New Delhi-110 001.
2. The Chief Postmaster General, Kerala Circle, Trivandrum.
3. The Superintendent, Railway Mail Service, Central Traffic, Division, Kozhikode.
4. The Sub Record Officer, Railway Mail Service, Central Traffic Division, Kuttippuram. ... Respondents

(By

O.A.162/94

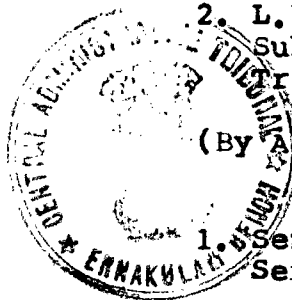
1. V.Sivanathan, Extra Departmental Mailman Sub Record Office, Neyyattinkara PO, Neyyattinkara, Trivandrum Dist.
2. L.Bhaskaran, Extra Departmental Mailman Sub Record Office, Neyyattinkara PO Trivandrum Dist. ... Applicants

(By Advocate Mr.Thomas Mathew)

Vs.

1. Senior Superintendent, Railway Mail Service, TV Division, Trivandrum.

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2. Chief Postmaster General,
Kerala Circle, Trivandrum.
3. Director General,
Department of Posts, New Delhi.
4. Union of India, represented by
its Secretary, Ministry of
Communications, New Delhi.

... Respondents

(By Advocate Mr. KS Bahuleyan for Sr.CGSC)

O A.No.188 of 1994

V.G.Muraleedharan Pillai,
Part-time Watchman,
Redesignated as Part-Time
Casual Labourer, Sub Record Office,
Railway Mail Service, Kayamkulam PO.

... Applicant

(By Advocate Mr. Thomas Mathew)

Vs.

1. Senior Superintendent, Railway Mail
Service, Trivandrum Division,
Trivandrum.
2. Chief Postmaster General,
Kerala Circle, Trivandrum.
3. Director General,
Department of Posts, New Delhi.
4. Union of India - represented
by its Secretary, Ministry of
Communications, New Delhi.

... Respondents

O.A.346/94

J.Asok Kumar, Part-Time Caretaker
Postal Holiday Home,
Pattom Palace PO
Trivandrum.4.

.... Applicant

(By Advocate Mr. Thomas Mathew)

Vs.

1. Senior Superintendent, Railway
Mail Service, TV Division, Trivandrum.
2. Chief Postmaster General,
Kerala Circle, Trivandrum.
3. Director General,
Department of Posts, New Delhi.
4. Union of India - represented
by its Secretary, Ministry of
Communications, New Delhi.

... Respondents

O.A.408/94

1. Valsala, Part-time Contingent Mazdoor
Kuttoor Post Office, Trichur.
2. Paru, Part-Time Contingent Mazdoor
Mannuthy Post Office, Trichur.
3. Valsala N, Part-time Contingent Mazdoor
Varavoor Post Office, Trichur.
4. M.K.Narayanikutty, Part-time Contingent
Mazdoor, Desamangalam Post Office, Trichur.

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5. Janaki, Part-Time Contingent
Mazdoor, Parur Post Office, Trichur.

6. Kunjikali, Part-Time Contingent
Mazdoor, Thoyakavu Post Office,
Trichur.

.... Applicant

(By Advocate Mr. P. Ramakrishnan)

Vs.

1. Union of India, represented by the
Director General of Posts, New Delhi.

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

3. The Senior Superintendent of Post
Offices, Trichur Division, Trichur. ... Respondents

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicants in all these cases, seek a declaration that they are entitled to a 'paid weekly holiday.' They further seek to restrain respondents from recovering amounts already paid to them, as Holiday Wages.

2. Admittedly, applicants are part-time casual employees. Some of the casual employees are given a paid weekly holiday, after six continuous working days. Respondents take the view that this benefit is available only to full time casual employees, and not to part-time casual employees.

3. Whether among casual employees, expressions like full-time and part-time have any legal significance is a matter of doubt. Counsel for applicants relied on AI in O.A.2333/93, to lace their contention that there is no distinction between the part-time and full-time casual employees. AI, letter of Department of Personnel dated 10.2.88 (No.45/95/87-SPB.I) inter alia reads:-

"(ii) The word "casual labourers" would cover
full-time casual labour, part-time casual labour



and workers engaged on contingency basis. Part-time workers, casual or contingency paid, will be paid on pro rata basis. For the purpose of payment, no distinction should be made whether the casual labourers and contingency-paid staff are being paid wages or from office contingencies."

4. We do not think that we need pronounce on this question at least in the first instance. In the context of the present case, the Government of India should decide whether a distinction should or should not be made, between full-time and part-time casual labourers for purposes of paid weekly holidays. Applicants or their representative bodies may make representations before the Government of India and the Government of India shall take a decision thereon within four months of the date of receipt of representations.

5. As for amounts already paid, there can be no justification for recovery. As rightly pointed out by the Senior Panel Counsel Shri Kochunni Nair, payment appears to have been made without any conditions attached. In such circumstances even estoppel may stand against the respondents, from recovering the amounts. In Dr. P.J. Cooley Vs. Director, CIFT and others, (1991) 16 ATC 839, this Tribunal restrained the employer from recovering amounts paid, unconditionally. Following the decision and in the circumstances aforementioned, we restrain respondents from recovering the amounts already paid to applicants herein, by way of Holiday Wages.

6. With these directions, we dispose of the applications. Parties will suffer their costs.

Dated 28th November, 1994.

Sd/-
P.V.VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

Sd/-
CHETPUR SANKARAN NAIR(J)
VICE CHAIRMAN

ks2811

CERTIFIED TRUE COPY
Date 6.12.94.....



Mmm
Deputy Registrar
B. Tiruvar

List of Annexures

(57 2333/93)

Annexure A1: True copy of order No:45/95/87-SPB-1
dated 10-2-88 issued by Department of Posts.

