

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 620 of 1995

Wednesday, this the 19th day of November, 1997

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER
HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

1. M.P. Pradeep, S/o Padmanabhan,
Mullackal House, Pattanakad,
Part Time Sweeper, Office of
Junior Telecom Officers,
Pattanakad and Kuthiathode
Junior Telecom Office.

.. Applicant

By Advocate Mr. MR Rajendran Nair

Versus

1. The Telecom District Manager,
Alapuzha.
2. The Chief General Manager,
Telecom, Kerala Circle, Trivandrum.
3. Union of India represented by
Secretary to Government,
Ministry of Communications, New Delhi.
4. Asst. Labour Commissioner (Central),
Office of the Regional Labour
Commissioner (Central),
Kalathiparambu Road, Kochi.

.. Respondents

By Advocate Mr. Varghese P. Thomas, ACGSC

The application having been heard on 19.11.1997, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

The applicant seeks to quash A-13, to declare that he
is entitled to be conferred with temporary status with
effect from 1.10.1989 and regularisation thereafter on the
basis of the service rendered by him, and to direct the
respondents to approve the applicant and confer him
temporary status.

contd..2

2. The applicant is working as a Part-time Sweeper in the Telephone Exchange at Pattanakad. He commenced service with effect from 1.1.1985. He is paid on a daily rate basis. He is also being engaged, according to him, as a casual mazdoor on the basis of bills. The applicant says that though he has worked for more than 240 days in each year since 1985, he is not granted temporary status.

3. In the reply statement filed by the respondents it is contended that the applicant was not engaged as a part-time casual mazdoor and that he was working purely on a contract basis.

4. A-2 certificate says that the applicant was working as Sweeper for one hour time at Pattanakad Exchange from 1.1.1985 to 31.3.1985. A-3 certificate says that the applicant has worked as Sweeper for one hour time from 23.4.1985 to 24.2.1988 in Pattanakad Exchange. It is pertinent to note that there is no mention of any engagement on a contract basis in A-2 and A-3. In A-1, which is subsequent to A-2 and A-3, it is stated that the applicant was working on contract basis for one hour daily at Pattanakad Exchange.

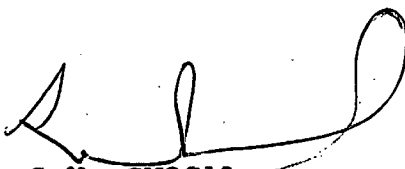
5. In A-13, the impugned order, apart from saying that the applicant is not an approved casual mazdoor and he is not eligible for getting temporary status, it is also stated that taking a sympathetic view he is given part-time engagement for six hours daily for the work entrusted by the Sub Divisional Officer Telecom, Aroor. A-13 is dated the 13th of March, 1995. So, now the applicant has completed 240 days after the issuance of A-13.

6. The learned counsel appearing for the respondents submitted that in the light of the order of this Tribunal in OA No. 526/97 and in the light of the report dated 19th of December, 1995 submitted by the Assistant Labour Commissioner (Central), Kochi, saying that the relationship of employer and employee exists between the respondents department and the applicant, the applicant is entitled to get temporary status conferred on him and the respondents will pass appropriate orders conferring temporary status on the applicant.

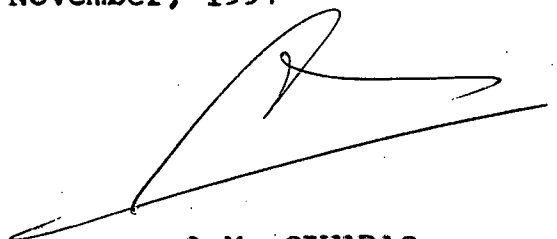
7. In the light of the submission made by the learned counsel for respondents, the respondents are directed to pass orders conferring temporary status on the applicant within a period of three months from today.

8. The application is disposed of as above. No costs.

Dated the 19th of November, 1997



S.K. GHOSAL
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

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