

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A. NO. 8 OF 2000.

Thursday this the 6th day of January 2000.

CORAM:

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

HON'BLE MR. J.L. NEGI, ADMINISTRATIVE MEMBER

T. Susanna, W/o Marcose,
Full-time Sweeper, Thycaud Head
Post Office, Thiruvananthapuram,
residing at T C No.7/417,
Thiruvananthapuram-30. Applicant
(By Advocate Shri M.R. Rajendran Nair)

Vs.

1. The Chief Post Master General,
Kerala Circle, Thiruvananthapuram.
2. The Superintendent of Post
Office, Thiruvananthapuram
South Division, Thiruvananthapuram.
3. Union of India, represented by
Secretary, Ministry of
Communications, New Delhi. Respondents
(By Advocate Shri A. Satyanathan, ACGSC)

The application having been heard on 6th January 2000
the Tribunal on the same day delivered the following:

O R D E R

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

The applicant who commenced service as Part time
Sweeper at Thycaud Head Post Office on 4.9.1978 was made
full time Sweeper with effect from 11.11.1997. She made a
representation claiming the benefit of the scheme of
temporary status and regularisation and alleging that as
on 14.11.98 she has completed 281 days of Full time casual
service and therefore, she is eligible for grant of
temporary status. This representation was rejected by the
impugned order A1 dated 18.10.99 on the ground that the
applicant was not a full time casual labour on 1.9.93 to
be entitled to the benefit of the scheme and she having
become full time casual labour only on 11.11.1997, did not
come within the ambit of the scheme.

2. Aggrieved by this, the applicant has filed this application for having the A1 order set aside declaring that the applicant is entitled to be conferred with temporary status and for a direction to the respondents to confer temporary status to the applicant with effect from the date on which she became eligible for the same.

3. In Secretary, Ministry of Commerce and others Vs. Sakubai and another, 1998 SCC (L&S) 119, the Apex court has considered the question whether the scheme of temporary status and regularisation of casual labourers which came into effect on 12.4.91 was extendable to the part time casual labourers also and it was held that the scheme does not apply to part time casual labourers. The present scheme under which the applicant claims grant of temporary status and regularisation, envisages the grant of temporary status to full time casual labourers in position as on 1.9.93 and have rendered service for a period of one year. On 1.9.93, the applicant was only a part time casual labour and became full time casual labour only on 11.11.97. The scheme not being an on going process but intend to grant the benefit to full time casual labourers in position on the date of introduction of the scheme, we are of the considered view that there is no infirmity in the order of the respondents in rejecting the claim of the applicant for grant of temporary status and regularisation.

4. Application is therefore rejected under Section 19(3) of Administrative Tribunals Act 1985.

Dated the 6th January 2000.

J.L. NEGI
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN