

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 11 1993.

DATE OF DECISION 13.1.93

M.K. Kesavan Elayath Applicant (s)

Mr. M.R. Rajendran Nair Advocate for the Applicant (s)

Versus

Sp. Supdt. of R.M.S. Cochin Respondent (s)
and another

Mr. K.V. Raju, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N. Dharmadan, Judicial Member

The Hon'ble Mr. R. Rangarajan, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

JUDGEMENT

Mr. N. Dharmadan, Judicial Member

The applicant is at present working as sorting Assistant in the RMS, Cochin. He is aggrieved by the refusal of the respondents to extend the benefit this Tribunal's judgment in TAK 132/87 and O.A. 814/90 to him.

2. The applicant commenced his service as Sorting Assistant (RTP) in the year 1982. He was regularised as Sorting Assistant on 30.5.90. Till his regularisation on 30.5.90 he has worked in the department like a regular employee. But he has not been paid the wages at par with regular employees. In the meantime some of the employees

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similarly situated like the applicant approached the Tribunal and filed TAK 132/87 for getting regular scale with all attendant benefits which were given to the regular employees. This Tribunal considered the application and allowed the same. The said decision was followed by the Tribunal in O.A. 814/90 also. The applicant therefore submitted Annexure-I representation dated 14.12.92 before the authorities. The said representation has not so far been disposed of.

3. At the time when the case was taken up for admission learned counsel for respondents was not in a position to distinguish the case of the applicant. However, he contended that the applicant is not entitled to the benefit of the earlier judgment.

4. Having regard to the facts and circumstances of the case, we are of the view that the application can be disposed of at the admission stage itself without waiting for formal reply from the respondents. If the applicant is also similarly situated like the applicants in the Original Applications referred to above, there is no legal justification to deny the benefit to the applicant also. Hence, in the facts and circumstances of the case, we admit the application and dispose of the same with direction to the second respondent to consider the representation submitted by the applicant in the light of TAK 132/87 and O.A. 814/90 and decide whether he is also entitled to similar benefits. The decision shall be taken within a period of three months from the date of receipt of

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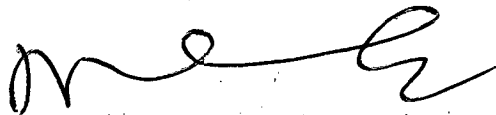
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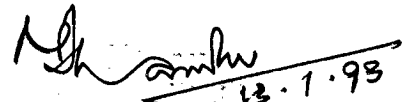
a copy of this judgment.

5. The application is accordingly disposed of on the above lines.

6. There shall be no order as to costs.



(R. Rangarajan)
Administrative Member



(N. Dharmadan)
Judicial Member

13.1.93

kmm