

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 147 of 2009

Tuesday, this the 8th day of June, 2010

CORAM:

HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER

1. Sheela Kurien,
W/o. M.K. Joy,
Manavalan House,
Karayamparambu House,
Kurumassery P.O., Emakulam.
2. Lekha P.A,
W/o. Jose A.P.,
Edakkaravayalil, Alrapuram,
Perumbavoor

Applicants.

(By Advocate Mr. R. Sreeraj)

versus

1. Union of India represented by
Secretary to Government,
Ministry of External Affairs, New Delhi.
2. The Joint Secretary and Chief Passport Officer,
Ministry of External Affairs, New Delhi.
3. The Passport Officer,
Regional Passport Office,
Thiruvananthapuram.

... Respondents.

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

The Original Application having been heard on 08.06.10, this Tribunal on the same day delivered the following :

O R D E R
HON'BLE MR. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER

Applicants in this O.A. seek a direction to the respondents to engage them for work in any of the Passport Offices in Kerala in preference to their juniors and freshers, with all consequential benefits.



2. The applicants were working as daily rated clerks in the Regional passport office, Cochin in the year 1992. They were posted to Trivandrum in 1996. They came back to Cochin in 1997. While working at Cochin, their services were terminated in 1998. The first applicant was offered further engagement at Trivandrum in 1999, but she could not join duty because of the late receipt of the offer of the appointment as well as her advanced stage of pregnancy. Her services were terminated on 15.03.1999. The second applicant was engaged from 09.02.2000 to 06.11.2000. Thereafter, her services were terminated on 04.12.2000. Both were conferred with temporary status with effect 01.09.1993 pursuant to the directions of this Tribunal in OA Nos. 671/2001 and 396/2000 respectively. Pursuant to the directions of this Tribunal again in OA No. 530/2005, the applicants' requests were considered, but the same were turned down for lack of need. The applicants learnt that Shri Rajesh and 4 others, who are juniors to the applicants as per the seniority list of daily rated clerks working in various Passport offices in Kerala have been conferred with temporary status and engaged for work. At the same time, the applicants who were seniors, are denied engagement for work without any reason.

3. The applicants contend that the denial of work to them is arbitrary and unreasonable. The 3rd respondent has stated in the letter dated 28.02.2001 to the 2nd applicant that her further engagement as casual labourer could be considered if need arises and approval is granted by the Ministry of External Affairs. If the need is there, as is evident from the engagement of Mr. Rajesh and 4 others, approval from the Ministry for engaging for work is not at all necessary since such engagement is governed by the decision of this Tribunal in OA No. 2034/1993.

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4. The respondents contested the O.A. They submitted that the applicants were continuously absent from duty without valid reason despite opportunities offered. There was also no need to engage casual labourer in Passport offices in the year 2005 when their representation was considered. The engagement of Shri Rajesh and 4 others was to avoid contempt proceedings against the Ministry, subject to outcome of the Special Leave Petition filed before the Hon'ble Supreme Court. For this reason, the OA should be dismissed with costs to the respondents.

5. Arguments were heard and documents perused.

6. Having considered the facts of the case and the contentions of the rival parties, I am of the considered view that the OA can be disposed of by giving a direction to the respondents to consider engagement of the applicants as and when the need arises in future in preference to their juniors and freshers.

7. The O.A. is disposed of as above with no order as to costs.

(Dated, the 8th June, 2010)



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER

cvr.