

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No.17/97

Monday, this the 10th day of March, 1997

C O R A M

HON'BLE SHRI AV HARIDASAN, VICE CHAIRMAN  
HON'BLE SHRI K RAMAMOORTHY, ADMINISTRATIVE MEMBER

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Thekkila Biyyathiyodu Cheriyakoya,  
Thekkila Biyyathiyodu, Chetlat,  
Lakshadweep (Retired Non Muster Roll  
Mason, III Class, Lakshadweep  
Public Works Department, Chetlat).

....Applicant

By Advocate Shri MR Rajendran Nair.

vs

1. The Administrator,  
Union Territory of Lakshadweep,  
Kavarathi.
2. The Executive Engineer,  
Lakshadweep Public Works Department,  
Division Amini Island.
3. The Assistant Engineer,  
Lakshadweep Public Works Department,  
Road Sub Division, Chetlat,  
Union Territory of Lakshadweep.

....Respondents

By Advocate Shri PR Ramachandra Menon, ACGSC.

O R D E R

HON'BLE SHRI AV HARIDASAN, VICE CHAIRMAN

Applicant, who was a casual mazdoor, is aggrieved by the order dated 10.9.96 (Annexure A.1) by which he has been relieved on superannuation with effect from 10.9.96 on attaining the age of 60 years. The applicant has impugned this action on the ground that as no retirement age is prescribed for a casual mazdoor, respondents should not have retired the applicant and should have allowed him to continue in service.

contd.

Applicant seeks to have the termination of his service quashed, and a direction to the respondents to grant him temporary status with effect from 1.9.93 and to grant him retiral benefits regularising him in service.

2. Respondents have stated in their reply that the applicant had been granted temporary status and the benefits flowing therefrom. They contend that as the applicant's turn for appointment on a group D post did not come before he attained the age of 60 years and in accordance with the extant instructions, he was disengaged on superannuation.

3. Having heard the counsel, we do not find any legitimate grievance in this case to be redressed. Temporary status was granted to the applicant. Regularisation on a Group D post can be on the basis of seniority. Applicant has no case that any person with less length of casual service had been regularised. As Group D employees have to retire at 60 years of age, the disengagement of applicant as casual mazdoor with temporary status at 60 years of age cannot be faulted. The application is, therefore, dismissed. No costs.

Dated the 10th March, 1997.

  
K RAMAMOORTHY  
ADMINISTRATIVE MEMBER

  
AV HARIDASAN  
VICE CHAIRMAN

LIST OF ANNEXURE

1. Annexure A1: True copy of the Office Order  
PF No.NMR(8)/AER/95/350 dated 10.9.96 issued  
by the 3rd respondent.

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