

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 192 of 1995

Wednesday, this the 17th day of April, 1996

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

E.U. Chandran,
S/o Unnikrishnan E,
Extra Departmental Mailman,
Head Record Office, Railway Mail Service,
Ernakulam Division. (Lakshmi Vilas,
Temple Road, Kochi-20)

... Applicant

By Advocate Mr. MR Rajendran Nair

Versus

1. The Chief Post Master General,
Kerala Circle, Trivandrum!
2. The Manager, Speed Post,
Speed Post Centre, Cochin-16
3. The Senior Superintendent of Railway
Mail Service, Ernakulam Division.
4. Union of India represented by
Secretary to Government,
Ministry of Communications,
New Delhi.

... Respondents

By Advocate Mr. S Radhakrishnan, ACGSC

The application having been heard on 17th April, 1996, the
Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN:

Applicant, an Extra Departmental Agent, seeks a
declaration that he is entitled to be granted temporary status
with effect from 29-11-1989.

2. While working as a casual employee, applicant was
selected and appointed as an Extra Departmental Mailman with
effect from 8-6-1990. Notwithstanding that he wants to go back

as a casual employee. Pursuant to directions of the Supreme Court, a scheme was evolved to grant certain benefits to daily rated casual employees. It is under this scheme that applicant seeks the benefit of temporary status. Though the scheme was notified after applicant became an Extra Departmental Agent, he submits that the benefits thereunder must be conferred on him with reference to the position on 29-11-1989. We are not inclined to accept this submission. A casual employee is an industrial workman, and an Extra Departmental Agent is the holder of a civil post referable to Article 310 of the Constitution of India (See The Superintendent of Post Offices, etc. Vs. P.K. Rajamma etc., AIR 1977 SC 1677). When there is a transformation of status and a casual employee becomes the holder of a 'civil post', there can be no deeming fiction by which he can be put back to the earlier position. He voluntarily accepted a post referable to Article 310 of the Constitution of India.

3. We may also notice that the scheme itself was a means to ameliorate the plight of casual labourers, who were without regular employment, and not to better the prospects of regular employees, who are not unemployed. The scheme comprehends only casual employees, who have no claim for regularisation except under a scheme (See Mukesh Bhai Chhota Bhai Patel Vs. Joint Agriculture & Marketing Adviser, Govt. of India, AIR 1995 SC 413). Once being a casual employee, applicant cannot claim the benefits available to casual employees after he has ceased to be a casual employee on his own volition. Any other view would tend to promote adventurism.

4. We dismiss the application. Parties will suffer their costs.

Dated the 17th April, 1996


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN