

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.193/98

Monday, this the 18th day of October, 1999.

CORAM

HON'BLE MR A.M. SIVADAS, JUDICIAL MEMBER

HON'BLE MR G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. K. Saravanakumar,
Casual Mazdoor,
Trivandrum G.P.O.
TC 40/1138, Manacad,
Trivandrum - 695 009.
2. K. Satheesh Kumar,
Casual Mazdoor,
Trivandrum G.P.O.,
TC 40/1137, Manacad P.O.,
Trivandrum - 695 009.

... Applicants

By Advocate Mr Thomas Mathew.

Vs.

1. Senior Post Master,
Trivandrum G.P.O.,
Trivandrum - 695 001.
2. Chief Post Master General,
Kerala Circle, Trivandrum.
3. Union of India rep. by its Secretary,
Department of Posts,
New Delhi.

... Respondents


By Advocate Mr P.R. Ramachandra Menon, ACGSC.

The application having been heard on 18.10.99, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.M. SIVADAS, JUDICIAL MEMBER


Applicants, two in number, seek to declare that they are entitled to be re-engaged in preference to Extra Departmental Agents and fresh part-time casual labourers, that they are entitled to be re-engaged on the basis of seniority, that they are entitled to get temporary status, and to direct the respondents to grant them temporary status and also to engage them on the basis of seniority.



2. Applicants say that they are casual mazdoors working in Trivandrum General Post Office. The first applicant commenced his service as casual mazdoor in Trivandrum General Post Office in March, 1986 and he has worked for various days during the years 1986 and 1994 ranging from 19 to 120 days, and the second applicant has worked during years from 1988 and 1994 for 44 days to 120 days. The Deputy Post Master has issued certificates to the applicants showing they are casual labourers in Trivandrum General Post Office from 1988 onwards. The applicants have been denied work by the first respondent. Though they approached the first respondent, nothing has turned out fruitful.

3. Respondents resist the O.A. contending that there are no records available in the Office of the first respondent to show that the applicants had worked from the year 1986. As per the available records, the applicants were engaged as substitutes in the leave vacancies of Postman/Group D. The first applicant was engaged for 11½ days in the year 1993 and for 33 days in the year 1994. The second applicant was engaged for 7 days in the year 1993 and for 27 days in the year 1994. A1 and A2 have not been issued by a person who is authorised to issue such certificates.

4. Even going by the admitted case of the applicants, it is clearly seen that they have not worked for 240 days or for 206 days in any one of the years they allege to have worked. In order to seek temporary status, one should have worked for the prescribed number of days. Applicants admittedly have not worked for the prescribed number of days in any particular year.



5. Applicants are relying on A1 and A2 for the purpose of proving that they have worked as casual mazdoors in Trivandrum General Post Office since 1988. These two certificates are admittedly issued by the Deputy Post Master. There is absolutely no case for the applicants that Deputy Post Master is the Head of the General Post Office, Trivandrum. It is a known fact that the Post Master is the Head of the General Post Office. No authority is brought to our notice that empowers or authorises the Deputy Post Master to issue certificates, like A1 and A2. That being so, no reliance can be placed on A1 and A2.

6. A3 and A4 are also relied on by the applicants in support of their case that they have worked as casual labourers. A3 and A4 are Acquittance rolls. Both A3 and A4 contain a certificate to the effect that these are the true copies of original documents. If the originals of A3 and A4 are with the applicants, there cannot be any document with the respondents as to the payments made to the applicants. It cannot be normally the case that in case of documents, like A3 and A4, the originals are kept by the applicants. A3 and A4 contain not only the names of the applicants, but of various other persons also. If the applicants can be in possession of the originals, other persons whose names are seen in A3 and A4 should also be able to have the possession of the originals. It cannot be like that. The originals of A3 and A4 can only be with the respondents and on what basis these two documents are produced as true copies is a mystery.

7. The definite stand taken by the respondents is that the applicants were engaged as substitutes. There is no material acceptable in support of the case of the

applicants that they were engaged as casual labourers. The burden is on the applicants to prove that they were engaged as casual labourers.

8. The question of re-engagement of the applicants in preference to Extra Departmental Agents and fresh part-time casual labourers arises only if they had worked as casual labourers. So also whether they are entitled to get re-employment on the basis of seniority. As far as temporary status is concerned, it is only for those casual labourers who have worked for the requisite number of days in a particular year and the applicants admittedly have not worked for the requisite number of days in any particular year.

9. We do not find any merit in this O.A. Accordingly, the O.A. is dismissed. We make it clear that this order will not stand in the way of the applicants for getting fresh engagement in accordance with the rules in force. No costs.

Dated the 18th of October, 1999.


G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER


A.M. SIVADAS
JUDICIAL MEMBER

P.181099

List of Annexures referred to in the Order.

- A1, True copy of the Certificate issued to the 1st applicant by the DPM, GPO, Trivandrum.
- A2, True copy of the Certificate issued to the 2nd applicant by the Deputy Post Master, GPO, Trivandrum.
- A3, True copy of Acquittance Roll No.554 of August issued to the first applicant.
- A4, True copy of Acquittance Roll No.448 of June, 89 issued to the 2nd applicant.