

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.196/2001

Monday, this the 9th day of December, 2002.

CORAM;

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

HON'BLE MR K.V.SACHIDANANDAN, JUDICIAL MEMBER

K.R.Janaky,
Contingent Employee,
Guruvayoor Post Office,
Guruvayoor. - Applicant

By Advocate Mr Vishnu S Chempazhanthiyil

Vs

1. Sub Post Master,
Guruvayoor.P.O..
Guruvayoor.
2. Senior Superintendent of Post Offices,
Postal Division,
Thrissur.
3. Post Master General,
Central Region,
Kochi.
4. Director General,
Postal Department,
New Delhi.
5. Union of India rep. by its
Secretary,
Ministry of Communications,
New Delhi. - Respondents

By Advocate Mr C.B.Sreekumar, ACGSC

The application having been heard on 9.12.2002 the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

The applicant, K.R.Janaky, claims to be working as a Contingent Employee under the 1st respondent for the last 30

9.

years or so. According to the applicant, she works practically the entire day at the office and her work consisted in sweeping the floors of the office building and the premises which according to her would be around 10,000 sq.feet scavenging, carrying water, gardening etc. The Postal building at Guruvayur where the applicant works as three units: (1) the Guruvayur Post Office, (2) office of the Sub Divisional Inspector and (3) the Postal Inspection Quarters. It is stated that there are two toilets in the first floor and two toilets in the ground floor which she has to clean. Guruvayur, being a temple town, the inspection quarters are always occupied and the Scavanging work involved is substantial. She feels aggrieved that she is not being treated as full time contingent employee taking into account the extent of work done by her every day. Apparently, her representation A-2 dated 10.7.2000 has not produced any result so far. Hence this application for the following reliefs:

- "1) Declare that the applicant is entitled to be treated as full-time contingent employee and direct the respondents to take action accordingly to grant her arrears of wages and compensation.
- 2) Direct the respondents to grant the applicant compensation for extra hours of work being done by her every day.
- 3) Direct the respondents to pay the applicant wages for weekly off days and postal holidays.
- 4) Direct the respondents to confer the applicant with temporary status with effect from 29.11.1989 with all consequential benefits including arrears of wages."

2. The respondents have opposed the O.A. by stating that the total area for sweeping comes to 4140 sq.feet and the time taken for sweeping the same area would be around 300 minutes.

9/11

According to the respondents, the applicant is being remunerated for each item of work. With regard to the representation claimed to have been made by the applicant, the respondents have stated that such a representation does not appear to have been received and dealt with in the office of the 2nd respondent as claimed by the applicant.

3. In her rejoinder the applicant has reiterated the averments made in the O.A. and produced A-3 being the acknowledgement of receipt of A-2 representation. In the additional reply statement, the respondents have confirmed the averments made in the earlier reply statement. In other words, the total area to swept excluded to 4140 sq.feet only and the total time taken for the whole work including sweeping of inspection quarters is shown to be 300 minutes.

4. We have heard Shri Vishnu Chempanzhanthiyil, learned counsel for the applicant and Shri C.B.Sreekumar, learned ACGSC for respondents.

5. According to the learned counsel for applicant, the total area to be swept would not be less than 10,000 sq.feet. This is inclusive of the built up area and the appurtenance. The applicant normally reports at the office around 6.30 in the morning and she is not in a position to leave office before 6.00 in the evening. During this time, she does not only sweeping but also store water, scavanging and watering the garden. The Inspection quarters is always occupied in view of the fact that there are departmental visitors who come

9.

to worship at the famous Guruvayur temple. It is submitted by the learned counsel that it would be in the fitness of things if the representation is properly considered and a work study ordered in order to find out the genuineness of the applicant's statement and to evolve reasonable norms for considering the applicant's claim to be a full time contingent employee and all other consequential benefits, particularly in view of the very long service she has rendered. When the matter was pointed out, Shri Sreekumar, learned ACGSC has fairly accepted that such a course can be undertaken and the respondents can be directed to carry out a work study and evolve appropriate norms for determining whether the applicant can be placed as a full time contingent employee. Since both the counsel agree on this course of action, we consider it expedient and appropriate to direct the respondents to undertake a detailed work study on the basis of the representation made by the applicant and also on the basis of other referable data already in existence or which the applicant will be at liberty to furnish within a period of one month in order to enable the respondents to set proper norms in that regard.

6. In the light of what is stated above, we dispose of this application directing the respondents to undertake a work study immediately with the help of reliable experts and lay down appropriate norms in relation to the applicant's claim as discussed above. A proper communication in this regard may be forwarded to the applicant in the light of her representation and also the further data, if any, she chooses to furnish as

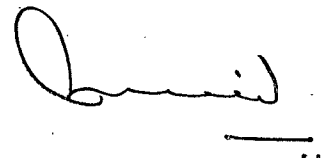
9.

indicated above. If the respondents find that the applicant's case for being treated as a full time contingent employee can be accepted on the basis of the norms so laid down in accordance with the observations made above, the respondents shall proceed to place the applicant suitably and give her the necessary service benefits including financial benefits from the date of this order. The above exercise shall be complied with within a period of four months from the date of receipt of copy of this order. There is no order as to costs.

Dated, the 9th December, 2002.



K.V.SACHIDANANDAN
JUDICIAL MEMBER



T.N.T.NAYAR
ADMINISTRATIVE MEMBER

trs

A P P E N D I X

Applicant's Annexures:

1. A-1: True copy of the letter No.7-19/78-PE.I dtd, 7.2.1981 of the 4th respondent.
2. A-2: True copy of the representation dated 10.7.2000 to the 1st respondent.
3. A-2a: True copy of the English translation of A-2.
4. A-3: True copy of the acknowledgment card signed by the 2nd respondent.
4. A-4: True copy of letter No.45-14/92-SPB I dtd.30.11.98 issued by the 4th respondent.

Respondents' Annexures:

1. R-1: True copy of Schedule of Indian Posts and Telegraphs (Group D Post) Recruitment Rules.
2. R-2: True copy of the relevant page of the service book of the applicant's son named Shri.Mohanar, Sub Postmaster, Matton (presently Pavaratty) Post Office.
3. R-3: True copy of the Form-IV nominating the applicant for benefits under the Central Government employees' Insurance Scheme submitted by his son Shri C.Mohanar.

npp
13.12.02