

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 204/2000

Thursday, this the 21st day of February, 2002.

HON'BLE SHRI G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE SHRI K.V. SACHIDANANDAN, JUDICIAL MEMBER

K. Madhavi,
Aged 52, D/o Kovappan,
Part Time Sweeper,
Meteorological Office,
Beach road, Calicut,
residing at Kunnumel House,
Nadakavu P.O., Kozhikode.

... Applicant

(By Advocate Mr. P. Ramakrishnan)

Vs

1. Union of India, rep. by the
Secretary,
Ministry of Science & Technology,
New Delhi.
2. The Deputy Director General of Meteorology,
Regional Meteorology Centre,
Madras.
3. Office-in-Charge,
Meteorological Office,
Beach Road, Calicut-32.

... Respondents

(By Mr. M. Rajendrakumar, ACGSC)

The application having been heard on 21.2.2002, the
Tribunal on the same day delivered the following :

ORDER

HON'BLE G. RAMAKRISHNAN. ADMINISTRATIVE MEMBER

The applicant, a Part-time Sweeper in the Meteorological
Office, Calicut, aggrieved by A3 order dated 16.8.1999 has filed
this application seeking the following reliefs :-

(a) an order quashing/setting aside Annexure A3;

(b) an order directing respondents to grant the applicant
temporary status with effect from 1.9.1993 and all other
consequential benefits in accordance with Annexure A1
Scheme ;

(c) such other orders and directions as are deemed fit in
the facts and circumstances of the case.

2. According to the applicant's averments in the original application, she joined as a casual labourer in the year 1970 and working continuously since then. The Government of India by Annexure A1 dated 10.9.1993 introduced a scheme for grant of temporary status and regularisation of casual workers which was come into force w.e.f. 1.9.1993. When the applicant was not granted temporary status pursuant to the scheme dated 10.9.1993, she caused a lawyer's notice to be served on 2nd respondent for which she received a reply from the 2nd respondent rejecting her claim for temporary status. She submitted another representation dated 12.7.1997 to the 1st respondent. Not receiving any reply for one year she approached this Tribunal in OA No. 106/99. This Tribunal by order dated 28.1.1999 directed the 1st respondent to dispose of the representation. Pursuant to this, A3 order dated 16.8.1999 was given to the applicant rejecting her request. Aggrieved by A3 order, she filed this original application seeking the above reliefs. The applicant relied on A2 order issued by the office of the Central Excise and Customs granting temporary status w.e.f. 1.9.1993 to 99 Part-time Safaiwalas.

3. The respondents resist the claim of the applicant. They relied on R1 O.M. dated 12.7.1994 issued by the Ministry of Personnel, Public Grievances and Pensions, Department of Personal and Training, in which it had been clarified that the temporary status could not be granted to part-time employees.

4. Heard the learned counsel for the parties. After making submissions for some time both the counsel submitted that the grant of temporary status to part-time casual labourers is now covered by the judgement of the Hon'ble Supreme Court in



Secretary, Ministry of Communications and Others Vs Sakkubai and Another (1998 SCC(L&S) 119). In this judgement Hon'ble Apex Court held :

"The Tribunal, in our view, was not right in coming to the conclusion that the Scheme for conferring temporary status on full-time casual labourers is also applicable to part-time casual labourers....."

5. In the light of the dictum laid down by the Hon'ble Supreme Court, this original application is only to be dismissed.

6. Accordingly, we dismiss this original application with no order as to costs.

Dated the 21st February, 2002.



K.V. SACHIDANANDAN

JUDICIAL MEMBER

oph



G. RAMAKRISHNAN

ADMINISTRATIVE MEMBER

A P P E N D I X

Applicant's Annexures:

1. A-1 : True copy of order dated 10-9-1993 issued by Government of India, Department of Personnel & Training.
2. A-2 : True copy of order dated 11-3-94 issued by the Department of Central Excise & Customs.
3. A-3 : True copy of order No.E(3) 109/41/(P)/SFS/99 dated 16-8-1999 issued by the 1st respondent.

Respondents' Annexures:

1. R-1: True copy of the clarification issued by the Government dated 12th July, 1994 by No.49014/2/93-Esst(c).

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