

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O.A.No.211/2002

Friday this the 18th June 2004

C O R A M:

HON'BLE MR K.V.SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

T.Susanna, W/o Markose, Full Time Sweeper,
Thycaud Head Post Office, Thycaud, Thiruvananthapuram
R/o TC VII/417, Kanjirampara, Thiruvananthapuram.

Applicant.

(By Advocate Mr.M.R.Rajendran Nair/Mr.P.A.Kumaran)

Vs.

1. The Superintendent of Post Offices, Thiruvananthapuram South Division, Thiruvananthapuram-14.
2. The Chief Post Master General, Kerala Circle, Thiruvananthapuram.
3. Union of India represented by the Secretary to the Govt of India, Ministry of Communications, New Delhi.

Respondents.

(By Advocate Mrs.S.Chithra/Mr.Jhon Nambeli)

The application having been heard on 18.6.2004 and on the same day the Tribunal ordered the following:

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

O R D E R.

The applicant claims that she commenced her service as part time Sweeper on 4.9.1978 and she filed O.A 1181/1997 for regularisation of her service which was dismissed. The contention of the applicant in the O.A is that she has completed 240 days of service as full time casual labourer and claiming for temporary status. The earlier O.A was dismissed on the ground that she was not eligible since she was not in the rolls of casual labourer as on 1.9.93. The applicant in the O.A averred that though there was a scheme for granting temporary status (Conferment of Temporary Status on Casual Labourer Scheme 1993) that scheme was not an ongoing Scheme which was so held by this Tribunal in O.A No.8/2000. The second limb of her claim is that she has worked 6 days in a week which eligible her 7 days wages with DA as applicable from time to time at the rate of




1/30th of the minimum pay applicable to a Group-D employee in a month and direct the respondents for making such payment to the applicant. Aggrieved by the inaction on the part of the respondents, the applicant has filed this O.A seeking for the following reliefs:

- "i) to declare that the applicant is entitled to wages at the rate of 1/30th of pay applicable to Group-D staff with DA as applicable from time to time and direct the respondents to pay 7 days wages for 6 working days in a week to the applicant accordingly;
- ii) to declare that applicant is entitled to be conferred with temporary status with effect from the date on which the applicant became eligible for the same;
- iii) direct the respondent to give documentary evidence showing particulars and details of engagement of the applicant to her;
- iv) to direct the respondents to pay the difference of wages for the month of February 2002"

2. The respondents have filed a detailed statement contending that the earlier O.A 1181/97 filed by the applicant for a declaration that she is entitled to be made full time casual labourer by readjustment or combination of duties. This O.A has been disposed of directing the 1st respondent to consider the representation of the applicant. The said representation was rejected by order dated 18.10.99 which was under challenge in O.A 8/2000 and the same has been dismissed by this Tribunal finding that there is no infirmity in the order of the respondents in rejecting the claim of the applicant. So also the legal position with regard to the implementation of the Scheme in the case of Union of India Vs. Mohan Pal & Ors. 2002 SCCL&S 577 it is declared that the conferment of temporary status on casual labourers under clause 4 of the 1993 Scheme was not an ongoing scheme.

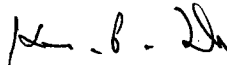
3. We have heard the learned counsel [✓] for Mr.M.R.Rajendran Nair and Mr.P.A.Kumaran, counsel for the applicant and Mrs.S. Chithra and Mr.Jhon Nambeli, counsel for the respondents.




4. The learned counsel for the respondents during the course of argument submitted that the applicant has been regularised and given full time wages for 8 hours and the applicant's arguments are not sustainable in view of the Apex Court's order.

5. We have given due consideration to the pleadings, evidence and arguments advanced by the parties. The learned counsel for the applicant conceded that in view of the decision of the Apex Court reported in 2002 SCC L&S 577 (supra) while disposing of a large group of appeals the Hon'ble Supreme Court has held that conferment of temporary status on casual labourers under clause 4 of the 1993 scheme was not an ongoing scheme and the cut off date was 1.1.93. Since the applicant is not qualified to be considered in accordance with the yardstick laid down by the Apex Court, the applicant is not entitled for conferment of temporary status as per the Scheme. Regarding the second limb of argument, it is admitted that the applicant has received the benefit on 10.3.93 and going through the factual aspects of the case we are of the view that as per the earlier judgment of the Tribunal in O.A 8/2000 and other facts of the case, the applicant is also not entitled for such benefits.

6. In the facts and circumstances referred above we find no merits in the O.A and the O.A is dismissed. No costs.


(H.P.Das)
Administrative Member


(K.V.Sachidanandan)
Judicial Member.

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