CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. Nos. 94/97, 231/97, 232/97, 234/97
and 237/97.

FREE COPY (U/R 22) OF C.A.T. (PROCEDURE) RULES

Wednesday this the 3rd June 1998.

CORAM:

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

O.A. 94/97

Janaki, W/o Sindhoor Pandy,
Sweeper, Office of the Deputy Chief
Controller of Explosives, Department of
Explosives, 46/226, Power House Extension
Road, Ernakulam North, Cochin-18. .. Applicant
(By Advocate Mrs. Sumathi Dandapani)

Vs.

1. Union of India, through the Secretary,
Ministry of Industry, Department of
Industrial Development, Udyog Bhavan,
New Delhi - 110 011.

2. The Chief Controller of Explosives,
Nagpur.

3. The Deputy Chief Controller of
Explosives, Department of Explosives,
46/226, Power House Extension Road,
Ernakulam North, Cochin-18. .. Respondents

(By Advocate Shri TPM Ibrahim Khan, SCGSC)

O.A.231/97

K. Naga Raja,
Part Time Sweeper and Scavenger,
Sub Record Office, R.M.S. (CT) Division,
Kasaragod. .. Applicant
(By Advocate Shri Sibi J Monippally)

Vs.

1. The Chief Post Master General,
Kerala Circle, Trivandrum.

2. The Superintendent, Railway Mail Service,
Calicut Division, Calicut.

3. The Sub Record Officer, Railway Service
(CT) Division, Kasaragod. .. Respondents

(By Advocate Shri Varghese P Thomas, ACGSC)

O.A. 232/97

1. K.V. Ammini, Part time Scavenger,
Sub Record Office, Railway Mail Service
(CT) Division, Tirur.

2. V. Velayudhan, Part time Sweeper,
Sub Record Office, Railway Mail Service,
(CT) Division, Tirur. .. Applicants

...2/-

3. P.C. Vikraman, Casual Mazdoor, Sub Record Office, Railway Mail Service (CT) Division, Tirur.

4. E. Rasheed, Casual Mazdoor, Sub Record Office, Railway Mail Service (CT) Division, Tirur.

5. M.P. Sreenivasan, Casual Mazdoor, Sub Record Office, Railway Mail Service (CT) Division, Tirur. .. Applicants

(By Advocate Mr. Sibi J Monippally)

Vs.

1. The Chief Post Master General, Kerala Circle, Trivandrum.

2. The Superintendent, Railway Mail Service, Calicut Division, Calicut.

3. The Sub Record Officer, Railway Service (CT) Division, Tirur, .. Respondents

(By Advocate Shri George Joseph, ACGSC)

O.A. 234/97

1.P.S. Subramanian, Casual Mazdoor, Sub Record Office, Railway Mail Service(CT) Division, Ottappalam.

2. K. Subramanian, Casual Mazdoor, Sub Record Office, Railway Mail Service (CT) Division, Ottappalam.

3. M.Kunhilakshmi Amma, Casual Mazdoor, Sub Record Office, Railway Mail Service (CT) Division, Ottappalam. .. Applicants

(By Advocate Shri Sibi J Monippally)

Vs.

1. The Chief Post Master General, Kerala Circle, Trivandrum.

2. The Superintendent, Railway Mail Service, Calicut Division, Calicut.

3. The Sub Record Officer, Railway Mail Service, CT Division, Ottappalam. .. Respondents

(By Advocate Mr. M.H.J. David J., ACGSC)

....3/-

O.A. 237/97

1. Saramma George,
Part time Sweeper,
Office of the Senior Superintendent
of Post Offices,
Kottayam Division,
Kottayam.

2. Kanakam N.A.
Part Time Sweeper,
Office of the Postmaster General,
Central Region,
Kochi - 682 016.

3. D.S. Ratnam,
Part Time Sweeper,
Office of the Post Master General,
Central Region,
Kochi-682 016. .. Applicants

(By Advocate Shri P.C. Sebastian)

Vs.

1. The Postmaster General,
Central Region,
Kochi-1.

2. The Senior Superintendent of
Post Offices,
Kottayam Division,
Kottayam.

3. The Director General,
Department of Posts,
Dak Bhavam
New Delhi. .. Respondents

(By Advocate Shri James Kurien, ACGSC)

The application having been heard on 3rd June 1998 the Tribunal ont the same day delivered the following:

...4/-

O R D E R

Applicants in all these cases are Part time casual labourers who contend that the part time casual service rendered by them makes them eligible for temporary status in terms of the scheme therefor. They rely on several decisions of the Tribunal such as O.A. 348/96, 674/94 etc.

2. The stand of the respondents is that the scheme of grant of temporary status is not applicable to Part time casual labourers.

3. The Hon'ble Supreme Court in Secretary, Ministry of Communications and others Vs. Sakkubai and another (Civil Appeal Nos. 360-361 of 1994) has held that Part Time casual service is not eligible to be counted for the grant of temporary status under the scheme formulated by the Government of India.

4. In the light of the decision of the Supreme Court, these applications are only to be dismissed.

5. The learned counsel for the applicants have submitted that the applicants may be granted freedom to take up the matter with the departmental authorities. They may do so within one month. If such a representation is submitted by the applicants to the competent authorities in their respective departments the competent authorities shall consider the repreeentations and pass appropriate orders within four months of their receipt.

6. Applications are disposed of as aforesaid. No costs.

Dated the 3rd June 1998.

sd/r

P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

CERTIFIED TRUE COPY
Date 4.6.98

Deputy Registrar