

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.234/98

Tuesday, this the 23rd day of March, 1999.

CORAM:

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

Yamuna.K.K.
W/o Sadananthan,
Part Time Sweeper,
Lakshadweep Public Works Department,
Cochin-3. - Applicant

By Advocate Mr M.R.Rajendran Nair

Vs

1. The Executive Engineer,
Lakshadweep P.W.D.,
Cochin Division,
Ernakulam.
2. The Administrator,
Union Territory of Lakshadweep,
Kavaratty. - Respondents

By Advocate Mr P.R.Ramachandra Menon, ACGSC

The application having been heard on 23.3.99, the
Tribunal on the same day delivered the following:

O R D E R

The applicant seeks to declare that she is entitled to be
conferred with temporary status and regularised and to direct the
respondents to confer temporary status and regularisation to her
at least with effect from the date of regularisation of her junior
Smt Jessy Antony.

2. The applicant was appointed as a part-time Sweeper on daily
wages under the respondents and joined on 24.9.84. Smt Jessy
Antony who was recruited only in the year 1987 has been regularised

with effect from 10.9.93. Not extending the same treatment to the applicant is discriminatory, says the applicant.

3. Respondents in the reply statement have stated that the applicant is not similarly situated as Smt Jessy Antony who was working on full time basis since 10.9.93. The 2nd respondent after reviewing the workload of part-time Sweepers has ordered to engage part-time Sweepers on full time basis and the said benefit is being extended to the applicant also.

4. The learned counsel appearing for the respondents submitted that after filing of the reply statement the applicant has been made a full time Sweeper under the respondents. Copy of the order making the applicant a full time Sweeper is not made available. Learned counsel appearing for the respondents is not able to say whether the applicant is given the benefit from the date on which her junior Smt Tessy Antony was granted the benefit. Learned counsel appearing for the applicant submitted that the applicant is not made a Sweeper on full time basis with effect from 10.9.93 the date on which Smt Jessy Antony was made a full time Sweeper.

5. It is submitted by the learned counsel appearing for the applicant that the applicant may be permitted to submit a representation to the 2nd respondent for the purpose of making her a full time Sweeper with effect from 10.9.93.

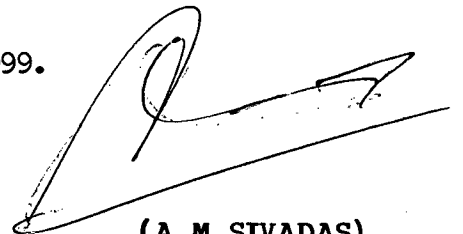
6. Prior to 10.9.93 the applicant as well as Smt Jessy Antony were part-time Sweepers. From the pleadings it is seen that the applicant is senior to Smt Jessy Antony. It is not known on what basis the applicant is not made a full time Sweeper with effect from 10.9.93 the date on which Smt Jessy Antony was made a full time Sweeper. When Smt Jessy Antony is made a full time Sweeper

on 10.9.93. in the normal course there cannot be any difficulty in making the applicant also a full time Sweeper from that date. No reason is stated for not granting the benefit to the applicant from 10.9.93. There cannot be a discriminatory treatment extended to the applicant unless there is a valid reason to do so.

7. Accordingly the applicant is permitted to submit a representation for redressal of her grievance on the ground of not making her a full time Sweeper under the respondents with effect from 10.9.93 within a period of fifteen days from today to the 2nd respondent. If such a representation is received the 2nd respondent shall consider the same in the light of the observations made in this order and pass a speaking order within six weeks from the date of receipt of the representation.

8. The O.A. is disposed of as aforesaid. No costs.

Dated, the 23rd of March, 1999.



(A.M.SIVADAS)
JUDICIAL MEMBER

trs/24399