

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A. NO. 237 OF 2011**

*Monday*, this the *5<sup>th</sup>* day of December, 2011

**CORAM:**

**HON'BLE Dr.K.B.S RAJAN, JUDICIAL MEMBER**

A Musthafa  
Sweeper  
Office of the Assistant Engineer (Electrical)  
Electricity Sub Division  
Kiltan Island  
Union Territory of Lakshadweep-682 555

- Applicant

(By Advocate Mr.Ashok B Shenoy)

**Versus**

1. Union Territory of Lakshadweep  
represented by its Administrator  
Kavaratti – 682 555
2. The Executive Engineer (Electrical),  
Union Territory of Lakshadweep  
Kavaratti – 682 555

- Respondents

(By Advocate Mr.S Radhakrishanan)

The application having been heard on 02.12.2011, the Tribunal  
on *5.12.11* delivered the following:

**ORDER**

**HON'BLE Dr.K.B.S RAJAN, JUDICIAL MEMBER**

1. This is a case of a full time casual labourer, who claims regularisation of his part time casual labourer services in which capacity he was engaged for more



than a score of years since 01-08-1978 to 07-07-1998. He has represented to the respondents in this regard vide Annexure A-4. This was not responded to and hence this OA seeking the following reliefs:

" (a) Declare that applicant is entitled to be regularized in the regular and permanent services of the respondents as Sweeper with due pay and all consequential benefits, with effect from 01.08.1978.

(b) Direct the respondents to forthwith regularized the applicant in their regular and permanent services as a Sweeper with due pay and all consequential benefits, with effect from 01.08.1978 or in the alternative confer "Temporary status" on applicant with effect from 01.09.1993 and afford him all benefits due thereunder, in terms of "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India 1993" issued as per Office Memorandum No.51016/2/90-Estt.(C) dated 10.09.1993 issued by Government of India, Department of Personnel & Training, New Delhi; "

2. Respondents have contested the O.A. They have raised the preliminary objection of limitation and as regards the merits of the case, they have relied upon the decision of the Apex Court in the case of **Ministry of Communications vs Sakkubai (1997) 11 SCC 224** wherein the Apex Court has held that part time casual labourers are not eligible for consideration for regular appointment.

3. Counsel for the applicant submitted that the respondents could well consider the representation filed by the applicant in regard to regularization of part time casual labour service, which is yet to be disposed of by them.

4. Counsel for the respondents submitted that there is no provision for regularization of part time casual workers.

5. Arguments were heard and document perused. Sakkubai talks of a scheme prevalent in Postal Department and the interpretation therein relates to that particular scheme. In fact for purpose of according priorities, which are to be



observed in recruitment to Group 'D' posts, part time casual labour service is also included Casual labourers (full-time or part time. For purpose of computation of eligible service, half of the service rendered as part time casual labour should be taken into account.) That in any case is not applicable to the facts of the case as the applicant is not engaged the department of posts. One has, therefore, to refer to the position relating to regularisation of part time casual labour service in respect of other Departments.

6. The Ministry of Personnel had introduced the scheme of grant of temporary status to casual labourers engaged in other Ministries. OM dated 10-09-1993 refers. The said OM did not refer to full time or part time casual labourers but only casual labourers simplicitor. However, while giving certain clarifications, one of the points reads as "Whether temporary status could be granted to the part-time casual employees?" and the clarification was "No" (Department of Personnel and Training O.M. No. 49014/2/93-Estt ©, dated the 12<sup>th</sup> July, 1994 refers.

7. In view of the above, the claim of the applicant for regularization of the services as part time casual labourer cannot be acceded to. In addition, limitation is also coming in the way of the applicant. As such, the OA has to be dismissed both on limitation as also on merit and it is so ordered. No costs.

(Dated, this the 5<sup>th</sup> day of December, 2011.)



**DR.K.B.S RAJAN**  
**JUDICIAL MEMBER**