

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No.248/97

Thursday, this the 6th day of August, 1998.

CORAM:

HON'BLE MR A M SIVADAS, JUDICIAL MEMBER

A.V. Cicily,
W/o. Augustine,
Part-time Sweeper/Scavenger,
Co-axial Maintenance,
Kothamangalam,
residing at Ikkarakudy House,
Kothamangalam P.O.,
Karoor.

...Applicant

By Advocate Mr. M.R. Rajendran Nair

Vs.

1. The Assistant Engineer,
Co-axial Maintenance,
Muvattupuzha.
2. The Assistant Engineer,
Co-axial Maintenance,
Kothamangalam.

...Respondents

By Advocate Mr. Varghese P. Thomas, ACGSC

The application having been heard on 6.8.98, the Tribunal on the same day delivered the following:

ORDER

The applicant seeks to declare that she is entitled to be conferred with temporary status with effect from 29.11.89 with all consequential benefits and direct the respondents to confer temporary status to her with effect from 29.11.89 with all consequential benefits including arrears of pay and also to declare that she is entitled to be treated on par with temporary Group-D employee with effect from 29.11.92 with the date of completion of three years.

2. The applicant says that she was selected and appointed as part-time Sweeper-cum-Scavenger in July 1985 and is working continuously under the second respondent. She has

worked for more than 240 days every year since the initial engagement and was in employment as on 29.11.1989. Thus, she is fully qualified to be conferred with temporary status with effect from 29-11-89 as per casual labourers (Grant of temporary status and regularisation) scheme of the Government of India. The applicant has not been considered for regularisation even after repeated representations made. There was no response to the representations submitted by the applicant.

3. Respondents resist the application contending that the scheme for granting temporary status and regularisation for casual labourers issued by the Telecom Directorate in the year 1989 is in respect of full time casual labourers and not for part-time employees. The applicant is not eligible to be conferred with temporary status. In R-1, the clarification issued by the Directorate, it has been clearly stated that part-time employees are not eligible for temporary status.

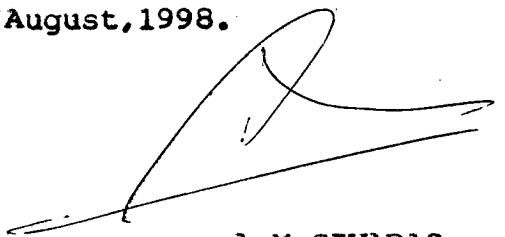
4. An identical question was considered by this Bench of the Tribunal in O.A. 526/97. Therein after considering the identical contentions raised by the respondents it has been held at paragraph 5 of the scheme of the Department of Telecom does not make any difference between casual labourer and part-time casual labourer, that casual labourer means and includes those who are part-time casual labourers also, that there is no necessity to restrict the meaning of casual labourer excluding part-time casual labourer and that it will not be legally permissible to restrict or enlarge the scope of the scheme by an administrative order. That being so, the contentions put forward by the respondents cannot be upheld.

5. Accordingly, the second respondent is directed to

dispose of A-4 representation submitted by the applicant in the light of the observations contained in the order within a period of three months from the date of receipt of a copy of the order.

6. O.A. is disposed of as above. No costs.

Dated the 6th day of August, 1998.



A M SIVADAS
JUDICIAL MEMBER

nv
6898

LIST OF ANNEXURES

1. Annexure A4: True copy of the representation dated 5.8.96 submitted by the applicant to the 2nd respondent.
2. Annexure R1: True copy of the clarification No.269-10/89-STN dated 17.12.90 issued by the Department of Telecommunications.

.....