

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.29/04

Friday this the 11th day of June 2004

C O R A M :

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN

P. Baby,  
D/o, Raghavan,  
Pulikkal House,  
Kokkinipadam Parambu, P.O. Mankavu,  
Azchavattom, Kozhikode.  
Casual Labourer,  
Customs House, Warf,  
Beypore.

Applicant

(By Advocate Mr.P.V.Mohanan)

Versus

1. The Commissioner of Central Excise,  
and Customs  
Office of the Commissioner of  
Central Excise and Customs,  
Central Revenue Building,  
Ist Press Road, Kochi 18.
2. The Assistant Commissioner,  
Office of the Assistant Commissioner,  
Special Customs Preventive Division,  
Kozhikode.

Respondents

(By Advocate Mr.Sunil Jose, ACGSC)

This application having been heard on 11th June 2004 the  
Tribunal on the same day delivered the following :

O R D E R

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN

The applicant being sponsored by the Employment Exchange, Kozhikode was selected and appointed as Part-time Sweeper in the office of the S.P.U. Beypore with effect from May 1991. She was granted temporary status under the scheme "Grant of Temporary Status and Regularisation" with effect from 1.9.1993. Alleging that casual labourers who were junior to the applicant by name Pankajam, Padmanabhan, Nirmala, Sarasu, Bindu, Sajesh were regularised in the year 1996 and that fresh casual labourers have

been engaged thereafter, the applicant has filed this application praying that the respondents be directed to regularise the service of the applicant as Safaiwala and fix the scale of pay with all attended benefits or in the alternative to dispose of the representation Annexure A-4 submitted in that behalf.

2. The respondents in their reply statement have refuted the allegations that any casual labour junior to the applicant has been regularised and have stated that the casual labourers whose names are given in the application are only contract labourers and as the applicant's name is at Sl.No.43 in the gradation list Annexure R-1 and as the person regularised in service is at Sl.No.2 the applicant has no legitimate grievance to be redressed. The respondents have also stated that the applicant would be considered for regularisation in her turn.

3. The applicant has not filed any rejoinder.

4. I have gone through the materials brought on record and have heard the learned counsel on either side. The contention of the applicant that four casual labourers junior to the applicant have been regularised has been denied by the respondents and the applicant has neither filed a rejoinder nor produced any evidence to show that any casual labourer junior to the applicant has been regularised in service. As per the gradation list of casual labourers with temporary status the applicant is at Sl.No.43 while only Sl.No.2 has been regularised. Between the applicant and the Sl.No.2 there are as many as 41 persons yet waiting for regularisation. The applicant can claim regularisation only in

her turn and I do not find the applicant has in any way *been* discriminated. As contended by the respondents the applicant can be considered for regularisation only when her turn comes.

5. In the light of what is stated above since the respondents indicated that the applicant's case for regularisation would be considered in her turn the application is closed of without any direction or order as to costs.

(Dated the 11th day of June 2004)



A.V. HARIDASAN  
VICE CHAIRMAN

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