

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. No. 306/98

Tuesday, this the 26th day of October, 1999.

CORAM:

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

1. C. Ambili,  
Conservancy Worker in Airforce Station,  
Beach P.O., Trivandrum.
2. R. Venu,  
Cleaner, Airforce Station,  
Beach P.O., Trivandrum.
3. A. Kamalam,  
Cleaner, Airforce Station,  
Beach P.O., Trivandrum.
4. S. Nirmala,  
Lady Ayah Conservancy Worker,  
Airforce Station, Beach P.O.,  
Trivandrum.

...Applicants

By Advocate Mr. Kunnathukal V. Sukumaran Nair (rep)

Vs.

1. Union of India represented by the Secretary,  
Ministry of Defence, New Delhi.
2. Commanding Officer (Wing Commander),  
Headquarters, Southern Air Command,  
Indian Airforce, Trivandrum.
3. Chief Administrative Officer,  
(Wing Command), Airforce Station,  
Beach P.O., Trivandrum-695 007.

...Respondents

By Advocate Mr. Thomas Mathew Nellimoottil

The application having been heard on 26.10.99, the  
Tribunal on the same day delivered the following:

ORDER

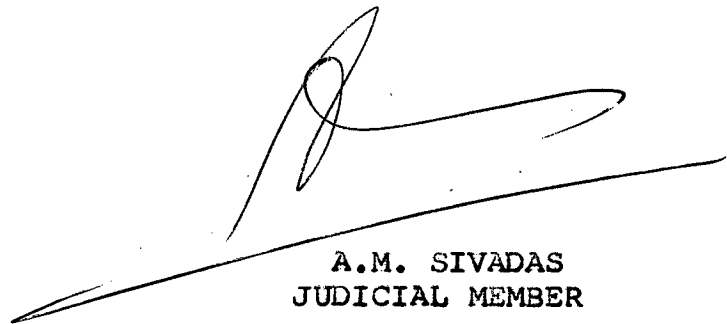
HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

On behalf of the learned counsel for the applicants,  
it is submitted that the learned counsel for the applicants is  
not available today since he is undergoing treatment. This O.A.  
was posted yesterday and there was no representation. It is  
also submitted on behalf of the learned counsel for the

applicants that the counsel for the applicants was hospitalised since one week. If that is the position, that could have been submitted yesterday when the O.A. was called on for hearing. The learned counsel appearing on behalf of the counsel for the applicants is not ready to proceed with the O.A.

2. The O.A. is accordingly dismissed.

Dated this the 26th day of October, 1999.



A.M. SIVADAS  
JUDICIAL MEMBER

nv  
261099

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. No. 306/98

Thursday, this the 18th day of November, 1999.

CORAM:

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

1. C. Ambili,  
Conservancy Worker in  
Air Force Station,  
Beach P.O.,  
Trivandrum.
2. R. Venu,  
Cleaner,  
Air Force Station,  
Beach P.O.,  
Trivandrum.
3. A. Kamalam,  
Cleaner,  
Air Force Station,  
Beach P.O.,  
Trivandrum.
4. S. Nirmala,  
Lady Ayah Conservancy Worker,  
Air Force Station,  
Beach P.O.,  
Trivandrum.

...Applicants

By Advocate Mr. M.R. Rajendran Nair

Vs.

1. Union of India represented by the Secretary,  
Ministry of Defence, New Delhi.
2. Commanding Officer(Wing Commander),  
Headquarters, Southern Air Command,  
Indian Airforce, Trivandrum.
3. Chief Administrative Officer (Wing Command),  
Air Force Station, Beach P.O.,  
Trivandrum - 695 007.

...Respondents

By Advocate Mr. Thomas Mathew Nellimoottil

The application having been heard on 18.11.99, the  
Tribunal on the same day delivered the following:

ORDER

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

Applicants seek to direct the respondents to  
regularise their service with effect from the date on which they  
became legally eligible, to pay them wages, bonus and other

service benefits on par with similarly placed workers doing similar type of work under the respondents and to act in accordance with the principles laid down by this Bench of the Tribunal in O.A. No. 581/92.

2. Applicants are working as Conservancy employees under the 2nd and 3rd respondents. All of them are deployed for their respective duties in the Air Force Station at Trivandrum. They are engaged for various duties like cooking, washing, cleaning, etc. Some of them have worked as Store Assistants, Lady Ayah, Anti-Malaria Lasker and similar jobs. Similarly placed workers have been regularised as per the order of this Bench of the Tribunal in O.A. No. 581/92. They have worked for more than 240 days in all the years.

3. Respondents say that no injustice has been done to the applicants as they work at their free will to provide Conservancy services to the Unit at the rates agreed annually. They will be at liberty to continue to provide the service at the prevailing rates till the Municipal Corporation is able to provide the Conservancy service to the Unit. No law or existing Government orders have been violated to harm the applicants. They are allowed to continue with good intention within the parameters of existing rules. Two of the applicants have not worked for 240 days in any year. Applicants in O.A. No. 581/92 and the applicants herein do not stand on the same footing. Applicants never requested the respondents seeking any employment assistance. They have approached this Tribunal straightaway without exhausting the other remedies available.

4. After hearing both sides and going through the pleadings, it is seen that factual adjudication is necessary in this case. Factual adjudication is to be done, in the first

instance, by the Department. The learned counsel appearing for the applicants submitted that the actual number of days worked by the applicants in each month are not borne out in the record after the filing of this O.A. and they are actually paid only for 19 days per month, though they have worked for more than 19 days. If that is the situation, it cannot be appreciated.

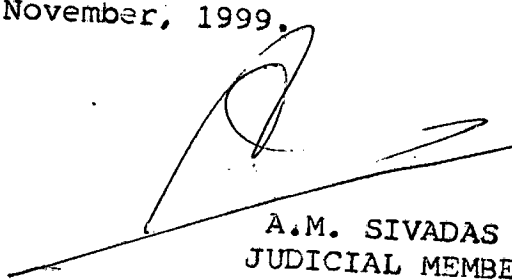
5. Since factual adjudication is necessary in this case and that has to be done, in the first instance, by the Department, it is necessary to permit the applicants to submit a joint representation to the 2nd respondent especially in the light of the averment contained in the reply statement that the applicants have not approached the Department and have straightaway approached this Tribunal.

6. Accordingly, applicants are permitted to submit a joint representation to the 2nd respondent within three weeks from today. If such a representation is received, the 2nd respondent shall consider the same and pass appropriate orders in accordance with law within three months from the date of receipt of the representation.

7. Respondents shall not terminate the services of the applicants if work is available and if persons with lesser length of service are retained till the disposal of the representation.

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

Dated this the 18th day of November, 1999.



A.M. SIVADAS  
JUDICIAL MEMBER