

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 311 of 2011

Monday, this the 11th day of April, 2011

Hon'ble Mr. George Paracken, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member

P. Satheeshkumar, Temporary Status Casual Labour,
Office of the Assistant Defence Estates Officer,
39/6249, Alappat Cross Road, Kochi-15.

..... **Applicant**

(By Advocate – Mr. Vishnu S. Chempazhanthiyil)

V e r s u s

1. The Assistant Defence Estates Officer,
39/6249, Alappat Cross Road, Kochi-15.
2. The Defence Estates Officer, Madras Circle,
Annasalai, Teynampet, Chennai-600 018.
3. The Principal Director, Defence Estates,
Southern Command, Ministry of Defence,
Manekji Mehta Road, Pune-411 001.
4. The Director General, Defence Estates, Ministry of
Defence, Raksha Sampada Bhavan, Ulaanbaatar Marg,
Delhi Cantt., Delhi-110 010.

..... **Respondents**

(By Advocate – Mr. Sunil Jacob Jose, SCGSC)

This application having been heard on 11.4.2011, the Tribunal on the same day delivered the following:

ORDER

By Hon'ble Mr. George Paracken, Judicial Member –

The applicant is casual labourer working with the first respondent, namely, Assistant Defence Estates Officer, 39/6249, Alappat Cross Road, Kochi. He has earlier approached this Tribunal by OA No. 18 of 2003 seeking conferment of



permanent status with effect from 10.9.1993 under the scheme issued by the Central Government in 1993 for grant of temporary status. The aforesaid Original Application was disposed of by this Tribunal and the operative part of the said order is as under:-

“9. In the result the application is allowed. We declare that the applicant is to be conferred with temporary status under Annexure A-11 with effect from the due date and direct the respondents to confer temporary status on applicant with effect from 10.9.1993 to deploy him as such in any office under the 3rd respondent and to consider the applicant for absorption on a Group-D post in his turn. The deploying the applicant as a temporary status casual labour shall be issued as expeditiously as possible at any rate within a period of three months from the date of receipt of a copy of this order. No costs.”

2. According to the applicant when a permanent vacancy of Group-D has arisen, his immediate supervisor i.e. Assistant Defence Estate Officer recommended his case to the second respondent, namely, the Defence Estates Officer, Madras Circle, to absorb him as Chainman. The representation submitted by the applicant in this regard was forwarded by the 2nd respondent to the 3rd respondent namely, the Principal Director, Defence Estates, Southern Command vide Annexure A-2 letter dated 9.6.2006. Further, the learned counsel for the applicant submitted that the aforesaid post of Chainman was shifted from Cochin to Delhi and therefore, he could not be accommodated to that post. However, another post of Chawkidar has arisen and he has immediately made a representation on 14.11.2008 for his absorption against that post. The said representation was also forwarded by the 3rd respondent to the 4th respondent, namely, Director General, Defence Estates, Ministry of Defence, Raksha Sampada Bhavan, Ulaanbaatar Marg, Delhi Cantt. vide Annexure A-3 letter dated 24.2.2009. His superior officer, namely Assistant Defence Estate Officer again



reminded the 2nd respondent and 3rd respondent vide Annexure A-5 letter dated 18.1.2011 stating that the applicant can be considered for the absorption against the post of Chawkidar which is lying vacant from 1.9.2008.


3. In the above facts and circumstances of the case, the applicant has filed this Original Application seeking a direction to the respondents to absorb him as Group-D employee in any existing vacancy.

4. Mr. Sunil Jacob Jose, SCGSC on receipt of advance copy of the OA has appeared on behalf of the respondents.

5. In the facts and circumstances of the case as explained above, we are of the considered view that this case can be disposed of with a direction to the respondents 3 & 4, namely, Principal Director, Defence Estates, Southern Command, Ministry of Defence, Manekji Mehta Road, Pune and Director General, Defence Estates, Ministry of Defence, Raksha Sampada Bhavan, Ulaanbaatar Marg, Delhi Cantt., Delhi respectively to consider the aforesaid representation of the applicant as recommended by his superior officer and take a decision with regard to his absorption as Group-D employee and communicate the decision to him within a period of two months from the date of receipt of a copy of this order.

6. This Original Application stands disposed of accordingly.


(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER


(GEORGE PARACKEN)
JUDICIAL MEMBER

“SA”