

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.33/98

Thursday the 16th day of September 1999.

CORAM

HON'BLE MR A.M. SIVADAS, JUDICIAL MEMBER
HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. A.T.Chandrika
Peon (Temporary)
Regional Passport Office
Panampilly Nagar
Kochi.
2. K.N.Valsala Devi
Peon (Temporary)
Regional Passport Office
Panampilly Nagar
Kochi.

...Applicants.

(By advocate Mr S.M.Prasanth)

Versus

1. The Chief Passport Officer
Ministry of External Affairs
Government of India
New Delhi.
2. The Regional Passport Officer
Regional Passport Office
Panampilly Nagar
Ernakulam.
3. Sri Thilakan
Peon, Regional Passport Office
Panampilly Nagar, Kochi.
4. Sri Philomina
Peon, Regional Passport Office
Panampilly Nagar, Kochi

...Respondents.


(By advocate Mr S.Radhakrishnan, ACGSC) for R1-2
Mr Shafik M.A.) for R3-4

The application having been heard on 16th September 1999,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER

Applicants, two in number, seek to declare that the denial of appointment to the applicants as Group-D staff is illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India and also to declare that the appointment granted to the third respondent and the proposed appointment of the fourth respondent is illegal and to direct the respondents to immediately regularise the services of the applicants as Group-D staff.



2. The applicants are presently working as peons in the Regional Passport Office, Kochi. They belong to Scheduled Caste. They entered into service on a casual basis on 17th April 1990. As per Annexure A-2, the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, applicants are entitled to be considered for Group-D posts. There were three vacancies to which the applicants were entitled to be regularised at the time OA No.1198/96 was filed by these applicants alongwith another person. The other person has been appointed as Group-D. The applicants are denied the posts of Group-D.

3. In the reply statement filed by the official respondents, it is stated that the applicants' claim will be considered when the next vacancy arises.


4. Learned counsel appearing for the applicants submitted that as per Annexure R3(f), one Philomina, sweeper is promoted as Peon with effect from 17.12.97 and there is one resultant vacancy. Learned counsel appearing for the respondents submitted that the resultant vacancy has been filled up in accordance with the rules by appointing the senior most casual labour/sweeper. Learned counsel for the applicants further submitted that one particular Group-D employee was dismissed from service and another vacancy is to arise in the month of October 1999. Learned counsel appearing for the respondents submitted that the vacancy that has arisen due to the dismissal of a Group-D employee is intended for Scheduled Tribe candidate and the applicants are Scheduled Caste candidates.

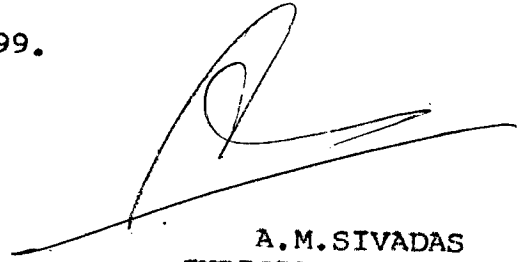
5. Since the official respondents have admitted that the claim of the applicants will be considered in the vacancies

arising next, it is only proper to direct the official respondents to consider the claim of the applicants in the existing vacancy and in the next vacancy arising in accordance with the rules in force.

6. Accordingly, respondents 1 & 2 are directed to consider the case of the applicants in the existing one vacancy and also in the next vacancy arising in accordance with the rules in force.

Dated 16th September, 1999.


G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER


A.M. SIVADAS
JUDICIAL MEMBER

aa.

Annexures referred to in this order:

A-2: True copy of the OM No.51016/2/90-Estt(C) dated 10.9.93.

R-3(f): True copy of the memo No.CHN/578/1/95 dated 22.12.97 of the second respondent.