

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.338/2004.

Thursday this the 6th day of May 2004.

CORAM:

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

1. K.V.Wilson, Part-time Sweeper,
Sub Office of Marketing and Inspection,
Cochin.(H.No:24/14277, Pathunagaram Street,
Vely, Kochi-1.)
2. Sumathy T.A., Part-time Sweeper,
Sub Office of Marketing and Inspection,
Kochi. Applicants

(By Advocate Shri Sudheendran)

Vs.

1. The Joint Agricultural Marketing Adviser,
Branch Head Office,
Directorate of Marketing and Inspection,
New Secretariate Building,
Nagour-400 011.
2. Deputy Agricultural Marketing Adviser,
Directorate of Marketing and Inspection,
Wellington Island, Cochin.
3. Union of India represented by the
Secretary to Government, Ministry of
Agriculture and Co-operation,
Department of Rural Development,
New Delhi. Respondents

(By Advocate Shri C.Rajendran, SCGSC)

The application having been heard on 6th May, 2004,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.KV.SACHIDANANDAN, JUDICIAL MEMBER

There are two applicants in this O.A. They are working as Part-time Sweepers in the sub Office of Marketing and Inspection, Cochin with effect from 1978 and 1984 respectively. They are sweeping and cleaning on all working days from 9 a.m. to 2 p.m. and they were paid Rs.60/- per month which were raised to Rs.80/- and now they are being paid Rs.600/- per month as consolidated allowance w.e.f.July, 2003. They have filed an O.P.5773/2003

before the Hon'ble High Court of Kerala seeking fixity of employment. But the Hon'ble High Court in its judgement dated 28.10.2003 has made the following observations.

"Since the petitioner is working from 1978 onwards, his service cannot be terminated even though he is not entitled to temporary status."

2. It is averred in the O.A. that the respondents have filed a reply statement to the earlier O.A. 928/1996 in which they have undertaken that the wages of such employees will be taken care of in tune with the State Government wages. The grievance of the applicants is that vide order dated 25.11.1998 issued by the Government of Kerala, the salary of Part-time Sweepers/Cleaners has been revised to Rs.1250/- per month plus D.A., but the same benefit is not granted to them. Aggrieved by the inaction on the part of the respondents, they have filed this O.A. seeking the following main reliefs:

- i. To declare that the applicants are entitled to get their wages revised in accordance with Annexure A2 order and direct the respondents to revise the wages of the applicant in accordance with Annexure A2 order with effect from 1.3.1997 and to pay the arrears of wages due to the applicant with effect from 1.3.1997.
- ii. Alternatively direct the respondents to consider and pass orders on Annexure A3 representation within a time limit to be fixed by this Hon'ble Court.

3. When the matter came up before the Bench, Shri M.R.Sudheeran, learned counsel appeared for the applicant and Shri C.Rajendran, SCGSC appeared for the respondents. Learned counsel for the applicant submitted that the 2nd applicant has made a representation(A3) and the 1st applicant may be permitted to submit a representation. He also submitted that the applicants would be satisfied if a limited direction is given to the respondents to consider and dispose of the representation (A3) made by the 2nd applicant and the representation that would be made by the 1st applicant within a time frame.



4. Learned counsel for the respondents submitted that he has no objection in adopting such a course of action.

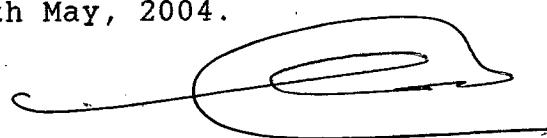
5. In the interests of justice, we direct the 1st applicant to make a comprehensive representation to the 2nd respondent within one week and direct the 2nd respondent to consider and dispose of both the representations and pass appropriate orders within a time frame of two months from the date of receipt of a copy of this order.

6. O.A. is disposed of at the admission stage itself. Under the circumstances, no order as to costs.

Dated the 6th May, 2004.

H. P. DAS

ADMINISTRATIVE MEMBER



K. V. SACHIDANANDAN
JUDICIAL MEMBER

rv