

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 348 of 1996.

Thursday this the 27th day of June 1996.

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

K.J. Mary,  
Casual Labourer,  
Speed Post Centre,  
Kochi-11.

.. Applicant.

(By Advocate Mr. Sreeraj for Mr. MR Rajendran Nair)

Vs.

1. The Director General of Posts,  
Dak Bhavan, New Delhi.

2. The Senior Superintendent of  
Post Offices,  
Ernakulam Division,  
Kochi-11.

3. The Postmaster General,  
Cochin - 682 016.

.. Respondents

(By Advocate Shri Varghese P. Thomas, ACGSC)

The application having been heard on 27th June 1996,  
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant who commenced service as a Casual  
Labourer on 12.5.89, and obtained temporary status on 20.5.93,

....2/-

claims the benefit of temporary status from 12.5.90.

The claim is contested by respondents on the ground that part time service rendered by applicant, cannot be reckoned for granting temporary status.

2. Learned Additional Standing Counsel submitted that identical matters are pending before the Supreme Court and that one decision of the Hyderabad Bench stands stayed. Standing Counsel who argued the matter with thoroughness, placed before us the different decisions of different Benches. We are not persuaded to agree with the suggestions of Standing Counsel, as the stay granted in one case governs only that case, in the light of the decision of the Apex Court in Alpana Mehta Vs. Maharashtra State Board of Secondary Education and another (AIR 1984 SC 1827).

3. A Full Bench of this Tribunal (Hyderabad Bench) has taken the view that part time service also counts for purposes of temporary status. We had consistently followed this view, as we are bound to, except in one instance in O.A. 305/95. In fact, the decision in O.A. 305/95 turned on another point. We noticed from Annexure-3 produced therein that the benefit was granted "To other employees subject to the outcome of the SLP (Special Leave Petition)." In the light of this, we observed:

....3/-

"...Whatever that be, if another employee has been given the benefit after the Supreme Court's order etc.... applicant may bring to the notice of the department."

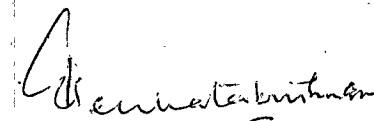
We had not gone into the merits of the matter, and the other observations made therein, were only obiter.

4. Consistent with the view taken by us in O.A.

94/96 and other cases, we declare that part time service rendered by applicant is liable to be counted for the purpose of determining temporary status. Respondents will do this and pass appropriate orders within three months from today.

5. Application is allowed as aforesaid. No costs.

Thursday this the 27th day of June 1996.

  
P.V. VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN

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