

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 355 of 1996

Monday, this the 14th day of October, 1996

CORAM

HON'BLE MR. PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR. AM SIVADAS, JUDICIAL MEMBER

1. G. Saramma,
Part Time Sweeper,
Head Record Office,
Railway Mail Service, Trivandrum.
2. K. Sarojini,
Part Time Sweeper,
Head Record Office,
Railway Mail Service, Trivandrum. . . Applicants

(By Advocate Mr. Thomas Mathew)

Versus

1. Senior Superintendent,
Railway Mail Service,
Trivandrum Division, Trivandrum.
2. Chief Postmaster General,
Kerala Circle, Trivandrum.
3. Director General,
Department of Posts, New Delhi. . . Respondents

(By Advocate Mr.KS Bahuleyan for SCGSC)

The application having been heard on 14th October '96
the Tribunal on the same day delivered the following:

O R D E R

PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicants are part-time casual labourers in the Postal Department. They contend that there is a scheme for grant of temporary status to casual labourers but that they had been denied the benefit of the scheme on the ground that the scheme was not applicable to part-time casual labourers. They submit that a Full Bench of the Tribunal had declared that part-time casual service would also be eligible for

grant of temporary status in terms of the scheme and that the Tribunal following the decision of the Full Bench had granted similar relief in other cases. The orders in O.A. No. 348/96 were cited by the counsel to support his contention.

2. Learned counsel for respondents would state that the subject matter of the Full Bench decision had been taken on appeal to the Supreme Court and that the matter is pending. Respondents contend that under these circumstances, the relief prayed for cannot be granted.

3. We notice that the contention of the respondents was considered by the Tribunal in OA No. 348/96. The Tribunal stated:

"Learned Additional Standing Counsel submitted that identical matters are pending before the Supreme Court and that one decision of the Hyderabad Bench stands stayed We are not persuaded to agree with the suggestion 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).

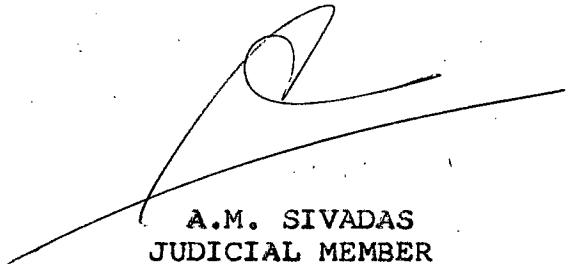
A Full Bench of this Tribunal (Hyderabad Bench) has taken the view that part-time service also counts for purposes of temporary status. We had consistently followed this view".

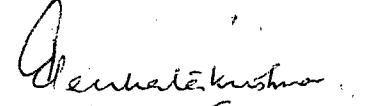
4. Following the decision of the Tribunal set out above, we declare that part-time service rendered by the applicants should be counted for the purpose of determining temporary status. First respondent or such other officer who is

competent, shall consider the case of the applicants in the light of the above declaration and pass appropriate orders on the grant of temporary status to the applicants within three months of today.

5. Application is disposed of as aforesaid. Parties will suffer their costs.

Dated the 14th October, 1996


A.M. SIVADAS
JUDICIAL MEMBER


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

ak/1410