

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A. No.359/95

Friday this the 24th day of March, 1995.

CORAM:

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

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

1. K.Ramachandran Nair,
Casual Mazdoor,
General Post Office, Trivandrum.
2. K.Sisupalan, Casual Mazdoor,
General Post Office, Trivandrum.
3. K.Rajasekharan Nair,
Casual Mazdoor,
General Post Office,
Trivandrum. .. Applicants

(By Advocate Mr.Thomas Mathew)

vs.

1. Senior Postmaster ,
General Post Office, Trivandrum.
2. Chief Postmaster General,
Kerala Circle, Trivandrum.
3. Union of India, represented by
its Secretary, Department of
Posts, New Delhi.

(By Advocate Mr.M.H.J.David,ACGSC)

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN:

Applicants who are casual labourers under respondents seek a declaration that they:

"are entitled to continue as full-time casual mazdoors."

2. We adjourned the case to enable the learned counsel for applicants to show the source of right to claim the declaration. He submitted that long service rendered by applicants and the directions issued by the Supreme Court in some cases, form the basis of the claim.

3. It has been held by the Supreme Court in Dr.Arundhathi Ajith Pargaonkar vs. State of Maharashtra and another, JT 1994 SC 378

that casual/temporary service howsoever long, will not confer a right. May be under a scheme regularisation can be granted (Mukesh Bai's case, AIR 1995 SC 413; Inderpal Yadav's case, 1985(2) SCC 648. The Court has also pointed out that it is not for Tribunals to make a roving enquiry and find reliefs. (A. Hamsavani and others vs. State of Tamil Nadu and another, 1994(6) SCC 51. What the Supreme Court can do under Article 142 of the Constitution, no other Court or Tribunal can.

4. Since no source of right is shown, we dismiss the application. But this will not preclude the applicants from seeking other remedies, if any available to them as pointed out in R.K. Panda vs. Steel Authority of India Limited and another, 1994(5) SCC 314. No costs.

Dated the 24th March, 1995.


P.V. VENKATAKRISHNAN

ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR (J)

VICE CHAIRMAN