

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM

O. A. No. 396  
I. A. No.

1990

DATE OF DECISION 14.12.1990

P. J. Jude Applicant (s)

Mr. O. V. Radhakrishnan Advocate for the Applicant (s)

Versus

Manager, Mail Motor Service, Respondent (s)  
Cochin and others

Mr. TPM Ibrahim Khan Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. **S. P. MUKERJI, VICE CHAIRMAN**

The Hon'ble Mr. **N. DHARMADAN, JUDICIAL MEMBER**

1. Whether Reporters of local papers may be allowed to see the Judgement? ☒
2. To be referred to the Reporter or not? ☒
3. Whether their Lordships wish to see the fair copy of the Judgement? ☒
4. To be circulated to all Benches of the Tribunal? ☒

JUDGEMENT

**SHRI S. P. MUKERJI, VICE CHAIRMAN**

In this application the applicant who had been working as a daily rated casual labourer in the Postal Department Mail Motor Service, Cochin has prayed that he should be reinstated and regularised against one of the semi-skilled category posts in terms of the scheme of regularisation as directed by Hon'ble Supreme Court in Daily Rated Casual Labour employed under P & T Department through Bhartiya Dak Tar Mazdoor Manch V. Union of India and others, AIR 1987 Supreme Court, 2342, The learned counsel for the respondents appeared before us today and indicated that the applicant has since been reinstated as casual mazdoor and the question of his regularisation will be considered as and when any vacancy

arises, in accordance with law. The scheme of regularisation as visualised in the direction of the Hon'ble Supreme Court as aforesaid, covers the entirety of P & T Department which admittedly includes the Mail Motor Service Unit of the Department. Accordingly, we close this application with the direction that the applicant shall also be considered for regularisation in accordance with the scheme of regularisation of casual workers, to which the staff of the Mail Motor Service Unit of the Department also is entitled. The regularisation should be effected as early as possible preferably within a period of six months from the date of communication of this order, keeping in view his seniority and other eligibility criteria.

  
(N. DHARMADAN)  
JUDICIAL MEMBER

14.12.90

  
(S. P. MUKERJI)  
VICE CHAIRMAN

14.XII.90

kmm

C.C.P. 77/91 in OR

OR. 396/90.

(21)

Spm LWD

Mr O. V. Radhakrishnan for applicant  
Mr. TPM Abraham Khan. by Proxy

The learned counsel for the  
applicant undertakes to give a copy of  
the CCP to Mr. TPM Abraham Khan. List  
for further direction on 23.12.91

10/12/91

Spm 8AV18

Mr. O. V. Radhakrishnan  
Mr. Shepils

The learned counsel for the  
respondents undertakes to file reply  
to the CCP within 2 weeks with a CCP  
to the petitioner.

List for further direction on

3.2.92

14.1.92

3.2.92  
(19)

Spm 8AV18

Mr. O. V. Radhakrishnan  
Mr. Shepils

At the request of the learned  
counsel for the respondents, list  
for further direction on 11.2.92.  
No further adjournment will be  
given.

3.2.92

Appd. to 14/1/92 by  
Noble. - 2

14.1.92  
(28)

11.2.92

SPM & ND

Mr. Ramesan rep. OV Radhakrishnan  
Mr. Bahuleyan-for I. Khan

The learned counsel for the respondents has filed a reply statement to the CCP. List for further directions on CCP on 25.2.1992 as prayed for by the learned counsel for the petitioner.

*11.2.92*  
11.2.92

*Coerced by Res. filed  
on 11.2.92  
2*

25.2.92 Mr. Ramesan-for petitioner  
Mr. Bahuleyan-for Ibrahim Khan

Heard the learned counsel for both the parties. We do not accept the contention of the original respondents that because of lack of vacant post the applicant could not be regularised. The fact remains that the applicant had been continuously working as Tinker since 1987 without interruption. It means that the necessity of a post is incontrovertible. Maintaining the applicant on a casual basis can be considered to be an unfair labour practice. Accordingly we grant one month's time to the original respondents to regularise the applicant in an appropriate post in implementation of our judgment dated 14.12.90. List this CCP on 1.4.92 for further directions.

A copy of the above order may be given to the learned counsel for respondents by hand.

*Copy of order  
issued. In*

ND

SPM

25.2.92

NVK & ND

(11) Mr. OV Radhakrishnan (*Ramesan*)  
Mr. TPM Ibrahim Khan by Mr. Bahuleyan

Learned counsel for the respondents submits that he has received instructions that orders have been passed on 31.3.92 according to which the applicant has been conferred with temporary status which will take ~~into~~ effect retrospectively from 30.6.91. Copy of the order is stated to have been served to the official concerned also. Nevertheless, we direct the learned counsel for the respondents to furnish a copy to the counsel of applicant.

Call on 8.4.92. to hear *applicant*

ND

NVK

1.4.92

NVK & ND

(15) Mr DV Radhakrishnan by Remasan  
Mr TPMI Khan by Shafik

We have heard the parties. The applicant submits that the order already passed by the Respondents is not in fully implementation of the original order dated 4.12.90. For, it is claimed in the reply filed by the applicant, that he is entitled to the higher pay scale etc. We notice that our judgment does not say anything at all about what pay the applicant should get.

In the circumstance, we are satisfied that the orders already issued by the respondents are in full compliance with our judgment. *Hence the ccl is closed & this is discharged*

However, we make it clear that this will not stand in the way of the applicant in agitating the matter again, if so advised, in accordance with law.

*ND*  
ND

*NVK*  
NVK 8/4/92

8.4.92

*RD*  
*A2*  
*9/4/92*

*A2*  
*mmms*  
Registry

without an order regarding closing of ccl, perhaps the order may be not be complete

*Recd*  
*9/4/92*  
*sec-11*  
*A2*  
*9/4/92*  
*Grat corrected*  
*9/4/92*  
S.O. (5D)