

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.402/2003.

Tuesday this the 10th day of June 2003.

CORAM:

HON'BLE MR.K.V.SACHIDANANDAN. JUDICIAL MEMBER

G. Savithry, W/o Wilson,
Temporary Status Casual Mazdoor,
Office of the Senior Superintendent of
Railway Mail Service, 'TV' Division,
Thiruvananthapuram-33. Applicant

(By Advocate Shri Vishnu S.Chepazhanthivill)

vs.

1. Senior Superintendent of Railway Mail Service, 'TV' Division, Thiruvananthapuram.
2. Chief Postmaster General, Kerala Postal Circle, Trivandrum.
3. Union of India represented by Secretary, Ministry of Communications, New Delhi-110 001. Respondents

(By Advocate Smt. Rajeswari A., ACGSC)

The application having been heard on 10th June 2003, the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR. KV. SACHIDANANDAN JUDICIAL MEMBER

The applicant was initially engaged as a part time contingent employee from 1.9.1990. He was conferred with temporary status and completed more than three years of service as temporary status Casual Labourer and thereby became entitled to be treated as temporary Group D employee. Although the applicant made Annexure A-7 representation claiming the benefit of Annexure A-3 Scheme for treating her on par with temporary Group D employee, she was not granted the same. She says that the temporary status Casual Mazdoor after completion of three years is entitled to be treated as Group D employee. Aggrieved by the inaction on the part of the respondents the applicant has filed this O.A. seeking the following reliefs.

1. Declare that the applicant is entitled to be treated on par with temporary Group D employees on completion of 3 years of service as temporary status casual mazdoor and direct the respondents to extend such consideration with consequential benefits.
2. Direct the respondents to grant the benefits of increment conferred under Clause 3 of Annexure A2 with consequential benefits.
3. Direct the resopondents to grant the increment and benefits of Annexure A3 with consequential benefits.
4. Consider and pass orders on Annexure A7.
5. Any other further relief or order as this Hon'ble Tribunal may deem fit and proper to meet the ends of justice.

2. Mr.Vishnu appeared for the applicant and Smt.A.Rajeswari ACGSC appeared for the respondents.

3. When the O.A. came up for hearing learned counsel for the applicant submitted that the applicant has received all the benefits as claimed in the O.A. except the relief No.2, i.e., granting the benefit of increment conferred under Clause 3 of Annexure A-2 with consequential benefits. He had produced a copy of the order No.B-II/1/TS passed by the Senior Superintendent, Department of Posts, RMS Division, Trivandrum dated 19.5.2003 in which the applicant have been conferred with temporary status of Group D with effect from 19.11.1998 and declared that she has completed three years of continuous service and she should be treated at par with temporary Group D employees as stipulated in DG Posts letter No.66-9/91-SPB-I dated 30.11.92. In that order, it is also made clear that the applicant along with others will be entitled to such benefits as are admissible to the regularly appointed Group 'D' employees with effect from the dates noted against each and as far as the applicant is concerned the date that was mentioned is 19.11.2001. A copy of the said order is to be kept on record. The applicant is therefore, directed to

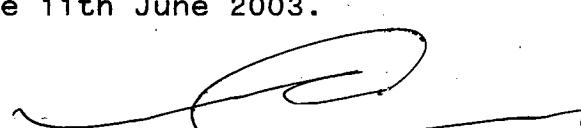
produce a copy of the said order for keeping on record. Learned counsel for the applicant submitted that, since all the benefits have been granted to the applicant except relief No.2, she would be satisfied if the Court directs the Ist respondent to consider her case for granting that relief also as per the extant rules and pass an appropriate speaking order within a time frame.

4. Learned counsel for the respondents submitted that she has no objection in adopting such a course of action provided, the applicant would submit a representation to that effect to the first respondent within two weeks from today. If such a representation is received, the first respondent shall consider the same and pass appropriate orders within three months.

5. In the interests of justice, this Court directs that the applicant will submit a comprehensive representation to the Ist respondent within two weeks from today and if such a representation is received, the Ist respondent shall dispose of the same with due application of mind and pass appropriate speaking order, and a copy of which will be communicated to the applicant within three months from the date of receipt of a copy of this order.

6. O.A. is disposed of as above. In the circumstances, no order as to costs.

Dated the 11th June 2003.



K.V. SACHIDANANDAN
JUDICIAL MEMBER

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