

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH

O.A.No.492/97

CORAM:

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE SHRI H.RAJENDRA PRASAD, MEMBER(ADMN.)

Smt.K.Rama Mani,
Occ. Casual Labourer,
R/o H.No.2-4-414, Krishna
Nagar, Kachiguda, Hyderabad -27.

..Applicant

(By Advocate Mr.V.Venkateshwara Rao)

vs.

1. The Director General of Postal Services,
Department of Posts,
New Delhi.
2. The Chief Post Master General,
Department of Posts, Hyderabad.
3. The Dy.Chief Post Master General,
(Administration), Department of Posts,
Hyderabad.
4. The Senior Superintendent of Post Offices,
South-East Division,
Hyderabad -500 027.

(By Advocate Mr.N.R.Devaraj, Sr.CGSC)

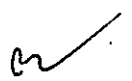
The Application having been heard on 26.2.98, the Tribunal
on 30.4.98 delivered the following:

O R D E R

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN:

This Original Application, along with 18 other cases, were listed for a joint hearing as it was felt that some common questions of law and facts were involved in all these cases. As a matter of fact some common questions as to whether the Industrial Disputes Act ('I.D.Act' for short) is applicable to the Department of Telecom, whether the scheme for grant of temporary status and regularisation evolved in the Department is an ongoing one or a one-time dispensation for regularisation of casual labourers who were in existence on a particular date etc., would be germane for consideration in many of these cases. When the matter was taken up for hearing on the basis of a status paper produced by the Sr.Central Govt.Standing Counsel, arguments were addressed by

the Sr. Central Govt. Standing Counsel in common to all these cases. The various counsel appearing for the applicants in the individual Original Applications also made submissions. However, it is now noticed that various applications have varying, distinct and individual sets of facts which call for reply by the respondents and that reply statements in many of the cases have not been filed. Pleadings are complete only in this O.A. and in O.A. No. 1080/95. In O.A. No. 764/97 notice before admission was given and a direction was given by order dated 20.8.97 to file detailed reply statement on issues specified in the order and despite adjournments given, the reply statement has not been filed and no order on admission has been made. In all the other 16 cases, though applications were admitted, reply statements were not filed and pleadings have not been taken as complete. According to Rule 12 of the C.A.T. (Procedure) Rules, the contesting respondents have to file reply statement and produce documents in the form of paper-book with the Registry within one month from the date of receipt of notice on admission. However, it is provided in sub-rule (5) of Rule 12 that the Tribunal may allow filing of reply statement after expiry of the period prescribed. In the 16 applications as aforesaid there is no order either granting the respondents further time for filing reply statement or taking the pleadings as complete. No document which would enable the Tribunal to consider and dispose of the individual applications in the absence of pleadings also have been filed in these cases. When the matter was heard, the fact that reply statements in individual cases were not filed and that the pleadings were not complete, were not adverted to either by the counsel in



their arguments or by the Bench. It is now seen that for the proper disposal of the issues involved in the various cases, it is necessary that respondents should file reply statements or produce documents for contesting the individual applications. That in view of the matter, we find it impracticable to have a common disposal of these applications. O.A. Nos. 1080/95 and 492/97 in which the pleadings are complete, will be disposed of now. The other O.As will be taken up individually and appropriate orders made.

2. The applicant in this case claims that she has been continuing from 1.2.1986 and that the respondents have not considered her case for grant of temporary status and regularisation giving her the benefit of the scheme for grant of temporary status and regularisation. Her request for grant of temporary status and regularisation has been denied by the order dated 6.1.1997. It is under these circumstances the applicant has prayed that the respondents may be directed to consider the case of the applicant for grant of temporary status and regularisation of her services.

3. The respondents in their reply statement have stated that the applicant is a part time casual labourer doing work for 3 hours and 20 minutes on a day and a basic allowance of Rs. 312.50 per month commensurate with the hours of work and that as the scheme for grant of temporary status and regularisation is applicable only to full time casual labourers, the applicant is not entitled to the reliefs claimed.

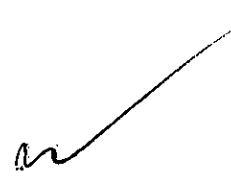
4. We have heard the learned counsel on either side and perused the pleadings in this case. Though the applicant has claimed in this application that she is working for 8 hours a day, the respondents in their reply statement have

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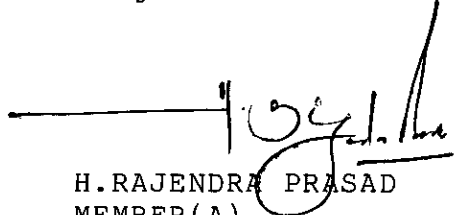
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categorically stated that the applicant has been engaged as a part-time contingent worker for the work of 3 hours and 20 minutes per day on a basic allowance of Rs.312.50 and that therefore she is not entitled to the benefit of the scheme for grant of temporary status and regularisation. The applicant has not controverted this categorical assertion of the respondents that she is a part-time casual labourer working only for 3 hours and 20 minutes a day. Annexure A1 dated 1.2.86 produced by the applicant shows that the applicant was engaged as a contingent sweeper. It is, therefore, evident that the applicant is a part-time sweeper and not a full-time casual labourer. The Hon'ble Supreme Court has in Secretary, Ministry of Communications and others vs. Sakkubai and another (Civil Appeal Nos.360-361 of 1994) held that the scheme for grant of temporary status and regularisation of full time casual labourer is not intended to cover the part-time casual labourers. A scrutiny of the provisions of the scheme would also show that it is intended only to the benefit of the full-time casual labourers and that the part-time casual labourer does not come under its ambit. Therefore the applicant is not entitled to the reliefs claimed for by her.

5. However, the D.G., P&T has, off-and-on, been issuing instructions to all the circles for making efforts to combine duties so that part time employees could be made full time. It appears that in this case the respondents have not so far made any serious attempt to make the applicant a full time casual labourer by combining duties. Therefore we are of the view that the respondents have now to consider the feasibility of offering full-time employment to the applicant by combining duties.



6. In the result while declining the relief prayed for by the applicant in the circumstances of the case, we dispose of the application with a direction to the respondents that, considering the fact that the applicant has been working as a part-time sweeper for more than 16 years, efforts shall be made by the respondents to offer the applicant full-time employment by combining duties, if administratively feasible, taking into account the instructions issued by the D.G., P&T in this regard. There is no order as to costs.


H. RAJENDRA PRASAD
MEMBER (A)


A.V. HARIDASAN
VICE CHAIRMAN


Deputy Registrar

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O.A.492/97

To

1. The Director General of Postal Services,
Dept.of Posts, New Delhi.
2. The Chief Postmaster General,
Dept.of Posts, Hyderabad,
3. The Deputy Chief Post Master General (Administration)
Dept.of Posts, Hyderabad.
4. The Senior Superintendent of Post Offices,
South East Division,
Hyderabad-27.
5. One copy to Mr.V.Venkateswar Rao, Advocate, CAT.Hyd.
6. One copy to Mr. N.R.Devraj, Sr.CGSC.CAT.Hyd.
7. One copy to DR(A) CAT.Hyd.
8. One copy to HHRP.M.(A) CAT.Hyd.
9. One spare copy.

pvm.

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE A V Narasimha

VICE-CHAIRMAN

AND

Ernakulam Bench

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

DATED: 30-4-1998.

ORDER/JUDGMENT

M.A./R.A./C.A.No.

in

O.A.No.

492/97.

T.A.No.

(w.p.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

