

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.510/2017

Date of Decision: 23.08.2017

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)

1. Smt. Lalita More,
2. Shri D.G. Mandavkar
3. Shri V.S. Gaikwad
4. Shri D.M. Jadhav

*(All are working as casual sweeper
in EVEREST House, New Marine Lines,
Mumbai 400 022)* ... *Applicants*
(Advocate Shri P.J. Prasadrao)

Versus

1. The Union of India,
Through the Chief Commissioner of Customs,
New Custom House, Ballard Estate,
Mumbai.
2. The Commissioner of Customs,
(Marine & Preventive)
New Custom House,
Ballard Estate, Mumbai.
3. The Joint Commissioner of Customs,
(Marine & Preventive)
Everest House, New Marine Lines,
Mumbai.

... *Respondents*

ORDER (Oral)

Today regular Division Bench is not available, hence the matter is taken up before the Single Bench.

2. When the matter is called out for admission, heard Shri P.J. Prasadrao, learned

Advocate for the applicant. I have carefully perused the case record.

3. In the OA, the applicants have filed MA No.514/2017 for permission to file Joint Application. The same is allowed since applicants are similarly placed.

4. According to the applicants they have been engaged for rendering services to the Respondent No.3 as Casual Sweepers w.e.f. 14.04.1994, 08.11.1995, 11.08.1995 and 01.10.2002 respectively. According to them, they have continuously rendered service for more than 240 days and hence they are entitled to conferment of temporary status. Record shows that the applicants also claim regularization in service. Record further shows that joint representation submitted by them on 24.04.2017 (Annexure A-2), 29.05.2017 (Annexure A-3), 06.06.2017 (Annexure A-4), 12.06.2017 (Annexure A-5), 15.06.2017 (Annexure A-6) followed by a legal notice dated 08.06.2017 (Annexure A-7) addressed to all the three respondents are still pending since nothing was heard from other end.

5. It is stated by the learned Advocate for the applicants that there is apprehension that

their engagement as casual sweepers may be terminated by respondents.

6. This Tribunal is of the considered view that there is no impugned order as such, by which the respondents have rejected the claim of the applicants for grant of temporary status and regularization of service. In view of this, ends of justice will be better served, in case appropriate directions are issued to the respondents for redressal of their grievance.

7. In view of the above, Respondent No.2, the Commissioner of Customs (Marine & Preventive), New Custom House, Mumbai is hereby directed to consider and pass a reasoned and speaking order on the pending representations of the applicants dated 24.04.2017 29.05.2017, 06.06.2017, 12.06.2017, 15.06.2017 and the legal notice dated 08.06.2017 (Annexure A-7), in accordance with law within a period of six weeks from the date of receipt of certified copy of this order.

8. The order so passed shall then be communicated to the applicants at the earliest who will be at liberty to approach the appropriate forum in case their grievance still persists.

9. Meantime, till the Respondent No.2 takes a decision on the pending representations and legal notice, it is hereby directed that the services of applicants as casual sweepers shall be continued.

10. On the request made by learned Advocate for the applicant, in the event, any adverse order is passed by the Respondent No.2 against the applicants, it is further directed that their services on casual basis shall be continued for a further period of two weeks from the date of communication of order to them so that they can approach the appropriate forum during this period for redressal of grievance.

11. The OA stands disposed of with the above directions at the admission stage, without issuing notice to the respondents and without making any comments on merits of the claim.

12. *DASTI.*

**(A.J. Rohee)
Member (J)**

dm.