

**Central Administrative Tribunal
Madras Bench**

OA 310/0197/2015

Dated Monday the 3rd day of December Two Thousand Eighteen

P R E S E N T

Hon'ble Mr. R.Ramanujam, Member(A)

K. Rajkumar
Old No. 30, New No. 58
Ayyaooou Street
Shenoy Nagar
Chennai 30.

.. Applicant

By Advocate **M/s. S. Ramaswamyrajarajan**

Vs.

Union of India rep. by
The Superintendent, RMS
Railway Mail Service
'M' Division
Chennai – 600 008.

.. Respondents

By Advocate **Mr. R. Soundararajan**

ORAL ORDER

Pronounced by Hon'ble Mr. R. Ramanujam, Member(A)

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“To call for the connected/relevant records from the second respondent and on perusal

i. To direct the respondent to first confer temporary status to the applicant with effect from 2001 and there after to regularise the service in Group 'D' cadre w.e.f. 2004 and to give him all consequential benefits and

ii. To pass such further or other orders ”

2. Learned counsel for the applicant would submit that the applicant had joined as a full time Casual Labourer in the office of the respondent in the year 2000 and has been working for 7 ½ hours per day till date. However, he has not been regularised so far. Aggrieved by the alleged inaction on the part of the respondents, he filed Annexure A2 representation dated 26.08.2014 seeking conferment of temporary status in Group 'D' cadre. The applicant had also cited the precedent of one Murugan who had been granted relief by this Tribunal in OA 1147/2011. The representation is still pending. Accordingly, the applicant would be satisfied if the respondents are directed to consider the representation within a time limit to be set by the Tribunal.

3. Learned counsel for the respondents would, however, submit that the applicant was never appointed as a Casual Labourer but only as an Outsider. He could not be regularised in the light of the judgment of the Hon'ble Supreme Court in Uma Devi. Further, even as an Outsider the applicant had not been appointed either through employment exchange or by any other recognised process. As the relevant Recruitment Rules and procedure were not observed/adopted in the case of the applicant, he could not be treated on par with the said Murugan in whose case it was found that he was entitled to compassionate appointment and, therefore, taking a larger view, the Tribunal directed to regularise his services. The applicant is not similarly placed, it is contended.

4. On perusal it is seen that the respondents resisted the claim of the applicant for conferment of temporary status on the ground that he was only engaged as an Outsider and never taken as a part time Casual Labourer. It is not clear whether part time Casual Labourers are appointed following the employment exchange procedure. Unless different procedures are adopted for the two categories it would be difficult to distinguish the two categories and discriminate against an Outsider on the basis of nomenclature alone.

5. Keeping in view the limited prayer of the applicant, I deem it appropriate to dispose of the OA with a direction to the respondents to consider Annexure A2 representation of the applicant dated 26.08.2014 in the light of the aforesaid observations as also precedents, if any of similar cases where a person might have been regularised in spite of being

engaged as an Outsider. A reasoned and speaking order shall be passed within a period of three months from the date of receipt of copy of this order. In the meantime, the applicant shall be at liberty to collect information regarding precedents and supplement his representation in which case, such facts shall also be kept in view while passing the order.

6. OA is disposed of as above. No costs.

(R. Ramanujam)
Member(A)

AS