

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Thursday 2nd day of May Two Thousand And Ninteen

PRESENT:
THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

OA.310/1759/2016

R. Ramesh,
S/o. C. Rathinam,
Aged 32 years,
No. 1/48, V. Sathamangalam Post,
Virudhachalam District,
Cuddalur Road.

...Applicant

(By Advocate:Mr. S. Ramaswamyrajarajan)

Versus

Union of India Rep. by

1. The Chief Postmaster General,
Tamilnadu Circle,
Chennai-600 002;
2. The Senior Superintendent of RMS,
'MA' Division,
Madurai- 625 001.

...Respondents

(By Advocate: Mr. J. Vasu)

ORAL ORDER

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

The applicant has filed this OA seeking the following relief:-

“to quash the impugned order No. B2/CLR/DLGS dated 18.10.2016 passed by the 2nd respondent and to direct the respondents to confer Temporary Status on the applicant with effect from 01.01.2001 and to give consequential benefits such as arrears of allowance, bonus etc and later on to regularize him into Group-D Cadre or MTS Cadre. ”

2. When the matter is called, learned counsel for the applicant produces a copy of the order of this Tribunal in OA. 1763/2016 dated 22.1.2019 and submits that a similar order may be passed in this case as the applicant herein is similarly placed.

3. Learned counsel for the respondents would, however, submit that the applicant had been engaged as Casual Labourer in the year 2000 and, therefore, the 1993 scheme would not be applicable to him.

4. I have perused the pleadings and considered the submissions made by the rival counsel. In the order dated 22.1.2019 in O.A. 1763/2016, this Tribunal had considered the case of the applicant therein who was appointed as a Casual Labourer in the year 1999 and had not been sponsored through the Employment Exchange. It was observed in the light of the order of the Hon'ble Madras High Court dated 14.07.2015 in Writ Petitions No.6474 and 9071/2015 wherein it had been held that the scheme of year 1993 was not meant to be applied endlessly for conferring regularization, the applicant would not have right to be conferred with temporary status. The Hon'ble

High Court had relied on five settled principles extracted by the Hon'ble Supreme Court in Secretary to Government, School Education Department Vs. R. Govindasamy [CDJ 2014 SC 146], culled out from various decisions of the Hon'ble Supreme Court. However, since it was submitted by learned counsel for the applicant that more recently, courts had directed grant of temporary status though the person concerned had not been appointed through the employment exchange and long after the cut off date, liberty was granted to the applicant therein to produce evidence thereof by way of a representation to the competent authority. It was directed that in the event of such representation along with supporting judicial precedents where similarly placed persons had been granted the benefit of temporary status, the respondents may consider the matter appropriately and pass a reasoned and speaking order.

5. In view of the innocuous relief urged by the learned counsel for the applicant in this case, I am inclined to dispose of this OA also with liberty to the applicant to make a comprehensive representation to the respondents along with supporting judicial precedents, if any within a period of two weeks from the date of receipt of copy of this order. On receipt of such representation, the respondents may consider the matter in accordance with law and pass a reasoned and speaking order within a period of three months thereafter.

6. OA is disposed of with the above direction. No costs.

(R. RAMANUJAM)
MEMBER (A)