

**CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH**

OA 310/00466/2014

Dated Tuesday the 11th day of December Two Thousand Eighteen

P R E S E N T

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

1. J. Santhaseelan

2. M. Santhanam

.. Applicant

By Advocate **M/s. V. Ajayakumar**

Vs.

1. Union of India rep. by the
Government of Puducherry
Through the Secretary to Government for DP&AR
Chief Secretariat, Puducherry.

2. The Director
School Education
Perunthalaivar Kamarajar Centenary Puducherry.

.. Respondents

By Advocate **Mr. R. Syed Mustafa**

ORAL ORDER

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

Heard. The applicants have filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To direct the respondents to regularise the service of the applicants with effect from 28.1.2010, the date on which the services of the juniors of the applicants have got regularised with all other consequential benefits including arrears of wages, seniority with effect from 28.1.2010 and to pass such other or further orders in the interest of justice and thus render justice.”

2. It is submitted that the applicants were initially appointed as Part Time Meals Carrier in the Education Department of Puducherry. By an order dated 31.07.2006, they were made Daily rated employees w.e.f. 13.07.2006. In the list of Meals Carriers issued by GO dated 10.12.1998, two employees namely Nagappan and Murthy were shown to have entered the service after the date of entry of the applicants and were accordingly placed lower in the list. However, later in the order relating to conversion of Part time employees to Daily rated employees, they were shown as senior without any explanation whatsoever.

3. It is further alleged that Casual Employees engaged by Ministers on co-terminus basis were granted Daily rated employee status on 09.08.2006 in violation of all rules. Even assuming that they could be absorbed in this manner, they would still be junior to the applicants. However, they were regularised ahead

of the applicants on 28.01.2010 whereas the applicants were regularised only in 2014. Accordingly, the applicants seek a direction to the respondents to advance their regularisation to the date from which their juniors had been regularised with all consequential benefits.

4. Respondents have filed a reply in which it is stated that the list issued along with GO dated 10.12.1998 was not a seniority list and it is not correct to say that the said Nagappan and Murthy were junior to the applicants. The first and second applicant had been made part time Casual Labourer w.e.f. 10.12.1998 whereas the said Nagappan and Murthy had been taken in as part time Casual Labourer w.e.f. 01.06.1995 and 01.04.1996 respectively. As such, they had a claim to be absorbed as Multi Tasking Staff ahead of the two applicants and no valid grievance is made out against them. Further, the two persons have not been impleaded as a party herein and, therefore, no relief can be granted to the applicants for non-joinder of necessary party.

5. As regards appointment of persons engaged on co-terminus basis as full time Casual Labourer, it is submitted that they had been converted to full time Casual Labourer ahead of the applicants and accordingly they were also senior to the applicants.

6. Both counsel argue on their respective lines in terms of the pleadings.

7. I have considered the facts of the case and the submissions. It is not in dispute that the two alleged juniors Nagappan and Murthy above whom the applicants claim seniority are not impleaded herein. Accordingly, no relief could

be granted with respect to these two persons. The grievance regarding co-terminus employees being granted the status of full time Casual Labour ahead of the applicant does not appear to have been answered at all in the reply filed by the respondents. In such a situation, I am of the view that the ends of justice would be met in this case if the respondents are directed to pass a reasoned and speaking order as to the law/rules/facts of the case on the basis of which they came to be granted the status of full time Casual Labourer ahead of the applicants within a period of two months from the date of receipt of copy of this order. The applicants shall be at liberty to exercise an appropriate legal remedy if the order is adverse to them and if there are valid grounds.

8. OA is disposed of accordingly.

(R. Ramanujam)
Member(A)
11.12.2018

AS