

CENTRAL ADMINISTRATIVE TRIBUNAL  
MADRAS BENCH

Dated the Thursday 14<sup>th</sup> day of March Two Thousand And Nineteen

PRESENT:

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

O.A. 310/421/2017

E. Manoharan,  
S/o. Shri K. Ekambaram,  
Aged about 53 years,  
Working as Highly Skilled Artisan Grade I in the  
O/o. the Senior Manager,  
Mail Motor Service, Greames Road,  
Chennai- 600 006.

....Applicant

(By Advocate: Mr. K.M. Ramesh)

Versus

1. Union of India Rep. by  
The Chief Postmaster General,  
Tamil Nadu Circle,  
Chennai- 600 002;

2. The Senior Manager,  
Mail Motor Service,  
Greames Road,  
Chennai- 600 006.

...Respondents

(By Advocate: Mr. S. Nagarajan)

Asvs



**ORAL ORDER**

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

Heard. Applicant has filed this OA seeking the following relief:-

"to set aside the order issued by the 2<sup>nd</sup> Respondent bearing No. MSE/B9-7/CL dated at Chennai- 600 006 the 20.09.2016 rejecting the representation of the applicant for regularization of his services from the date of initial entry into service and consequently direct the respondents to Welder with effect from April 1984 the date of entry into service as casual Cleaner till 19.07.1988 with all attendant and monetary benefits."

2. It is submitted that the applicant was recruited as a Cleaner on casual basis after interview by order dated 10.04.1984 and joined duty on 16.04.1984. By order dated 20.07.1988, he was appointed as Time Scale Cleaner in the existing vacancy. The applicant had come to know that similarly placed persons had been granted regularization with retrospective effect from the date of their initial entry into service as per order of the Tribunal. He, therefore, submitted a representation dated 27.3.2013 followed by a reminder dated 07.03.2016 to regularize his services retrospectively from the date he entered into service in the department with effect April 1984. However, the respondents rejected his claim by impugned communication dated 20.09.2016.
3. The contention of the learned counsel for the applicant is that the applicant was entitled to grant of temporary status for the period of service rendered as casual labour prior to his regular appointment on 20.07.1988 in terms of a scheme that allowed for such status as per Annexure-A/8 O.M. dated 12.4.1991. Further, the applicant was similarly placed as Shri S.M.



Mohammed Hussain and Shri K.P. Ramanathan, who had been granted retrospective regularisation with effect from the date of their initial entry into service and, therefore, the applicant was also entitled to the same treatment as a denial thereof would be tantamount to violation of Articles 14 and 16 of the Constitution of India.

4. Respondents have filed a reply contesting the claim of the applicant. It is stated that the relevant scheme issued with the Directorate letter dated 12.4.1991 was applicable only to casual labourers in employment as on 29.11.1989 and who continued to be currently employed and had rendered continuous service of at least one year. As the applicant was not a casual labourer as on 29.11.1989 but had been granted regular appointment much before the said date on 20.07.1988 itself, the question of applying the provisions of the scheme to the applicant's case would not arise.

5. As for the allegedly similar cases of S.M. Mohammed Hussain and K.P. Ramanathan, it is stated that the applicant could not compare himself with them as no such persons were working in the respondents' office and accordingly there was no violation of Articles 14 and 16 of the Constitution of India. It is also stated that the applicant while accepting appointment in 1984, had given an undertaking that he would not claim regular absorption as Cleaner in the existing vacancies as well as the vacancies arising in future.

6. I have considered the facts of the case, pleadings and submission made by rival counsel. It is not in dispute that the scheme to grant temporary status and regularization issued by letter dated 12.4.1991 was



applicable to persons who were casual labourers as on 29.11.1989. The applicant was not of such status on the said date, having already been granted regular appointment with effect from 20.07.1988. The applicant has compared himself with two persons S.M. Mohammed Hussain and K.P. Ramanathan without providing any details of the order passed in their case or evidence that they had also been granted regular appointment well before the cut off date and yet been benefitted by the grant of temporary status and retrospective regularization under the 1991 scheme.

7. Under the above circumstances, no case is made out to interfere with the impugned order. OA is accordingly devoid of merits. However, if the applicant is still able to produce evidence that in the precedent cases cited by him the persons involved were identically placed as him in terms of their date of appointment as casual labour as well as their date of regularisation and yet they were granted temporary status and retrospective regularization by applying the 1991 scheme, the respondents may consider the matter appropriately. No directions can be issued by the Tribunal to pre-empt any such consideration, if a case is made out.

8. OA is disposed of in the aforesaid terms. No costs.