

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN
&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

OP (CAT).No. 176 of 2015 (Z)

AGAINST THE ORDER IN OA 180/00066/2014 of CENTRAL ADMINISTRATIVE
TRIBUNAL,ERNAKULAM BENCH DATED 18-06-2015

PETITIONERS/RESPONDENTS:

1. UNION OF INDIA
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT
DEPARTMENT OF POSTS, MINISTRY OF COMMUNICATIONS
GOVERNMENT OF INDIA, NEW DELHI-110 001.
2. THE CHIEF POSTMASTER GENERAL
KERALA CIRCLE, TRIVANDRUM-695033.
3. THE SUPERINTENDENT OF POST OFFICERS
KOLLAM POSTAL DIVISION, KOLLAM-691001.
4. THE INSPECTOR OF POST
KOLLAM NORTH SUB DIVISION TKM COLLEGE PO-695005.

BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL OF INDIA

RESPONDENT/APPLICANT:

S.MAHALAKSHMI
W/O VIJAYAKUMAR, PART TIME CASUAL LABOURER
KOLLAM TALUK CUTCHERY/KOLLAM BAZAR
RESIDING AT VINAYAKA BHAVANAM, KALEEKAL KADAPURAM
MUNDAKKAL EAST, KOLLAM-691001.

BY ADV. SRI.SAJITH KUMAR V.

THIS OP (CAT) HAVING COME UP FOR ADMISSION ON 02-11-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (CAT).No. 176 of 2015 (Z)

APPENDIX

PETITIONERS' EXHIBITS:

EXHIBIT P1: TRUE COPY OF THE OA NO.180/00066/2014 DATED 27.1.2014 FILED BY THE RESPONDENT.

EXHIBIT P2: TRUE COPY OF THE REPLY STATEMENT DATED 11.3.2014 FILED BY THE PETITIONERS IN OA NO.180/00066/2014 FILED BY THE PETITIONERS.

EXHIBIT P3: TRUE COPY OF THE REJOINDER DATED 13.6.2014 FILED BY THE RESPONDENT.

EXHIBIT P4: TRUE COPY OF THE ORDER IN OA NO.180/00066/20014 DATED 18.6.2015.

RESPONDENT'S EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

smv

**K. SURENDRA MOHAN
&
SHAJI P. CHALY, JJ.**

O.P.(CAT). No.176 of 2015

Dated this the 2nd day of November, 2015

JUDGMENT

Surendra Mohan,J.

The respondents in O.A. No.180/00066/2014 of the Central Administrative Tribunal, Ernakulam Bench ('the CAT' for short) has filed this Original Petition challenging Ext.P4 order by which the Original Application has been finally disposed of. As per Ext.P4, the CAT has directed the petitioners to examine one of the two options set out in paragraph 5 thereof. Paragraph 5 reads as under:

“Respondent may examine one of the two options (i) if the post of GDSMP Kollam Bazar can be combined with the posts of Sweeper/Scavenger in Kollam Bazar, Thangassery and Kollam Taluk to create a full time casual labour and the applicant be engaged for the same as per GOI orders at Annexure A-8 and Annexure A-9. (ii) if (i) above is not feasible as the combination covers duty jurisdiction across three post offices then implement Annexure A-7 (para 4) orders by giving the applicant preference to be appointed in GDSMD Kollam Bazar vacancy notified vide Annexure A-1 provided the applicant fulfills all the conditions stipulated in the said

Annexure A-1.”

2. It is clear from the above that, the Tribunal has not entered any positive finding on the claim of the respondent/applicant. What has been directed is only to consider her claim. The respondent had been engaged as a Casual Labourer. The requirement that Casual Labourer should be engaged through Employment Exchange has subsequently been removed. Therefore, preference is given to persons who have been engaged on or before 1.9.1993. According to the learned counsel for the respondent, there is no relevance as far as the date is concerned and even persons who have been appointed long thereafter are continuing in service. According to the respondent, he has been working since June, 1991 though the said assertion is denied by the petitioners herein. Though the exact date from which the respondent has been engaged is in dispute, the petitioners do not dispute the fact that she has been working as a Part-time Casual Labourer. The direction of the CAT is to create a post of Full-time Casual Labourer and engage the respondent for the same instead of proceeding with the Notification - Annexure A1.

3. The learned counsel for the respondent has drawn our

attention to an O.M. dated 14.1.2015, a copy of which has been handed over across the Bar. The said O.M. also discloses that, Casual Labourers like the respondent are permitted to be engaged, continuously.

In view of the above, we do not find any grounds to admit this Original Petition or to grant any of the reliefs sought for. The same is accordingly dismissed.

Sd/-
K. SURENDRA MOHAN
JUDGE

Sd/-
SHAJI P. CHALY
JUDGE

//true copy//

P.A. To Judge

smv
02.11.2015

