

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2017

CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN
AND

THE HONOURABLE Mr. JUSTICE M.V.MURALIDARAN

W.P.No.12319 of 2016 and
WMP.No.10649 of 2016

- 1.The Union of India, Rep. by
The Secretary to Government
Ministry of Finance, Department of Revenue,
Central Board of Excise and Customs, North Block,
New Delhi.
 - 2.The Chief Commissioner of Central Excise and Customs
No.1, Williams Road, Cantonment, Trichy District.
 - 3.The Commissioner of Customs,
No.1, Williams Road, Cantonment, Trichy District.
 - 4.The Assistant Commissioner of Customs,
Customs Division, No.66, Beach Road,
Tuticorin. Petitioner
- Vs.
- 1.The Central Administrative Tribunal,
Madras Bench, Rep. by its Registrar,
City Civil Court Buildings,
Chennai - 600 - 104.
 - 2.S.Usha ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, to call for the records of the first Respondent in O.A.No.1160 of 2014 quash the impugned order dated 07.04.2015.

For Petitioners : Mr.V.Sundareswaran
Senior Panel Counsel

For R2 : Mr.S.Ramasamy Rajaraj

O R D E R

K.K.SASIDHARAN, J.

The writ petition is directed against the order dated 7 April, 2015 in O.A.No.1160 of 2014, whereby and where under, the Madras Bench of the Central Administrative Tribunal, directed the petitioners to consider the case of the second respondent for conferment of temporary status.

2. We have heard the learned Senior Panel Counsel for the petitioners and the learned counsel for the second respondent.

3. The second respondent filed Original Application before the Tribunal to grant her temporary status. The applicant before the Tribunal contended that she was appointed as casual labour and made to work for several years. The second respondent further contended that under similar circumstances, the High Court of Madras and the High Court of Andhra Pradesh directed conferment of Temporary Status to the casual labourers. The second respondent, therefore wanted a similar relief.

4. The Tribunal, without considering the merits of the matter allowed the original applications by following certain earlier orders. There was no attempt made by the Tribunal to ascertain as to whether the facts are similar and as such, the second respondent is entitled to the benefits given to the other employees.

5. The Tribunal in a case of this nature must consider the individual case and ascertain as to whether the employee is entitled to Temporary Status. There is no question of simply mentioning the earlier proceedings and granting the relief, without there being an adjudication as to whether the employee before the Tribunal is similarly situated and as to whether she is also entitled to the grant of Temporary Status. The order passed by the Tribunal does not contain any material, much less justifiable material, to grant temporary status to the second respondent. We are therefore of the view that the matter requires fresh consideration.

6. In the result, the order dated 7 April 2015 is set aside. The Original Application in O.A.No.1160 of 2014 is restored to file.

7. The Central Administrative Tribunal is requested to grant sufficient opportunity to the petitioners to file reply statement and thereafter, decide the matter on merits and as per law. Since the Original Application is of the year 2014, we request the Tribunal to dispose of the matter as expeditiously as possible.

8. The writ petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

svki

To

The Registrar,
The Central Administrative Tribunal,
Madras Bench, City Civil Court Buildings,
Chennai - 600 - 104.

+1cc to M/s.V.Sundareswaran, Advocate in sr.no.42688

W.P.No.12319 of 2016

SS(CO)
NR 13/07/2017



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