



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2019

CORAM

The Hon'ble Mr.Justice K.K.SASIDHARAN
AND
The Hon'ble Ms.Justice P.T.ASHA

W.P.Nos.11351 and 10111 of 2014
and
M.P.No.2 of 2014 in W.P.No.11351 of 2014

W.P.No.11351 of 2014

- 1.The Union of India,
Rep. by the Secretary to Govt.,
Ministry of Finance, Dept. of Revenue,
Central Board of Excise and Customs,
North Block, New Delhi - 110 001.
- 2.The Chief Commissioner of Central Excise,
No.26/1 (Old No.121) M.G. Road,
Nungambakkam, Chennai.
- 3.The Commissioner of Central Excise,
Goubert Avenue, Puducherry.
- 4.The Assistant Commissioner of Central Excise,
Central Excise Division-I, Puducherry.
- 5.The Assistant Commissioner of Central Excise,
Central Excise Division-II, Puducherry.
- 6.The Assistant Commissioner of Central Excise,
Central Excise Division-III,
Puducherry. .. Petitioners

vs.

- 1.S.Sivakumar
- 2.R.Kanniappan
- 3.N.Latchiyaperabu
- 4.M.Siva Prabhu
- 5.M.Vadivelan
- 6.The Registrar
Central Administrative Tribunal,
Madras Bench, Additional City Civil
Court Building, High Court Campus,
Chennai 600 104. .. Respondents



W.P.No.10111 of 2014

- 1.The Union of India,
Rep. by the Secretary to Govt.,
Ministry of Finance, Dept. of Revenue,
Central Board of Excise and Customs,
North Block, New Delhi - 110 001.
- 2.The Chief Commissioner of Central Excise,
No.26/1 (Old No.121) M.G. Road,
Nungambakkam, Chennai.
- 3.The Commissioner of Central Excise,
Goubert Avenue, Puducherry.
- 4.The Assistant Commissioner of Central Excise,
Cuddalore Excise Division, Cuddalore. .. Petitioners

vs.

- 1.S.Pushpa
- 2.R.Krishnaveni
- 3.V.Sivaraman
- 4.M.Flora
- 5.A.Sivaraj
- 6.K.Saravanan
- 7.The Registrar
Central Administrative Tribunal,
Madras Bench, Additional City Civil
Court Building, High Court Campus,
Chennai 600 104. .. Respondents

Common Prayer: Petitions filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records of the direction of order of Central Administrative Tribunal, Chennai Bench, the 6th respondent in WP.11351/2014 / 7th respondent in WP.10111/2014, dated 05.07.2013 passed in O.A.Nos.1413 of 2012 and 1404 of 2012 and quash the same.

For Petitioners
in both the WPs. : Mr.V.Sundareswaran
Spl. Panel Counsel

For Respondents 1 to 5
in WP.11351/2014 and
for Respondents 1 to 6 in
WP.10111/2014 : Mr.Akbar Row



For R-6 in WP.11351/2014
for R-7 in WP.10111/2014 : Tribunal

WEB COPY

O R D E R

K.K.SASIDHARAN, J.

The writ petitions are directed against the order dated 5 July, 2013 passed in O.A.Nos.1413 and 1404 of 2012, whereby and where under, the Madras Bench of the Central Administrative Tribunal, directed the petitioners to consider the case of the respondents for conferment of temporary status.

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

3. The respondents filed Original Applications before the Tribunal to grant them temporary status. The applicants before the Tribunal contended that they were appointed as casual labourers and made to work for several years. They 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 respondents, 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 respondents are 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 employees were 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 employees before the Tribunal are similarly situated and as to whether they are 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 respondents. We are therefore of the view that the matter requires fresh consideration.

6. In the result, the order dated 5 July 2013 is set aside. The Original Applications in O.A.Nos.1413 and 1404 of 2012 are restored to file.



7. The Central Administrative Tribunal, Madras Bench, 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 Applications are of the year 2012, we request the Tribunal to dispose of the matters as expeditiously as possible.

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

Sd/-

Assistant Registrar

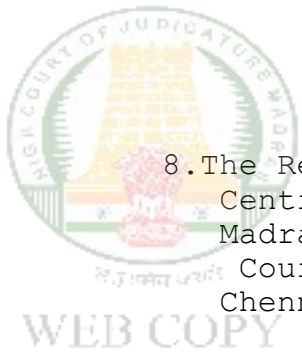
//True Copy//

Sub Assistant Registrar

sra

To:

- 1.The Secretary to Govt. of India,
Ministry of Finance, Dept. of Revenue,
Central Board of Excise and Customs,
North Block, New Delhi - 110 001.
- 2.The Chief Commissioner of Central Excise,
No.26/1 (Old No.121) M.G. Road,
Nungambakkam, Chennai.
- 3.The Commissioner of Central Excise,
Goubert Avenue,
Puducherry.
- 4.The Assistant Commissioner of Central Excise,
Central Excise Division-I,
Puducherry.
- 5.The Assistant Commissioner of Central Excise,
Central Excise Division-II,
Puducherry.
- 6.The Assistant Commissioner of Central Excise,
Central Excise Division-III,
Puducherry.
- 7.The Assistant Commissioner of Central Excise,
Cuddalore Excise Division, Cuddalore.



8.The Registrar
Central Administrative Tribunal,
Madras Bench, Additional City Civil
Court Building, High Court Campus,
Chennai 600 104.

+1cc to Mr.V.Sundareswaran, Advocate, S.R.No. 57121

W.P.Nos.11351 and
10111 of 2014

PM(CO)

GN(19/08/2019)