

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

Original Application No.20/384/2014

Hyderabad, this the 2nd day of December, 2019



***Hon'ble Mr. Justice L Narasimha Reddy, Chairman
Hon'ble Mr. B.V. Sudhakar, Member (Admn.)***

K. Suryanarayana, S/o. late K. Jagannadha Rao
Aged about 48 years, Working as Part-Time Contingent
Watchman-II, Head Post Office, Secunderabad.

... Applicant

(By Advocate Dr. A. Raghu Kumar)

Vs.

Union of India, Rep. by

1. The Director General,
Department of Posts,
Dak Bhavan, Sansad Marg,
New Delhi.
2. The Chief Postmaster General,
A.P. Circle, Hyderabad – 500 001.
3. The Postmaster General,
Hyderabad City Region, Hyderabad.
4. The Senior Superintendent of Post Offices,
Secunderabad Division, Hyderabad – 500 080.
5. The Senior Postmaster,
Head Post Office, Secunderabad – 500 003.

... Respondents

(By Advocate Sri A. Vijaya Bhaskar Babu, Addl. CGSC)

ORDER (ORAL)***{As per Hon'ble Mr. Justice L Narasimha Reddy, Chairman}***

The applicant state that he was engaged as Part Time Casual Labourer in the Secunderabad Division, Department of Posts from 29.07.1982 onwards. The Department of Posts framed a Scheme for appointment of Multi Tasking Staff (MTS) from the category of Part Time Casual Labourers. A notification was issued on 27.1.2011, but the case of the applicant was not considered. At that stage, he filed OA 996/2011. In compliance with the order dt. 05.08.2013 passed therein, the Senior Superintendent of Post Offices, Secunderabad Division, the 4th respondent herein passed an order dt. 30.10.2013. He made a brief reference to the revised recruitment rules for the post of MTS and ultimately, stated that the applicant was not considered because he was not sponsored by the Employment Exchange. The same is challenged in this OA.

2. The applicant contends that he is the senior most casual employee in the Division and despite that, the respondents did not consider his case. It is also stated that the Scheme never contemplated sponsoring of candidates by the employment exchange and his case was rejected on the basis of a factor, which is totally extraneous.

3. Respondents filed a counter affidavit opposing the OA. It is not in dispute that the applicant was being engaged as Part Time Casual Labourer from 1982 onwards. They, however, stated that the case of the applicant

was not considered for appointment as MTS since he was not sponsored by Employment Exchange.

4. We heard Dr. A. Raghu Kumar, learned counsel for the applicant and Mr. A. Vijaya Bhaskar Babu, learned Standing Counsel for the respondents.



5. It is for almost 3 ½ decades, the applicant has been working as Part Time Casual Labourer. It only shows the method of functioning of the important offices in the various Ministries. By any standard, continuing a Part Time Casual Labourer for such a long time is totally impermissible. On the one hand, the work was permanent in nature and on the other hand, the engagement of the employee was not even on temporary basis.

6. The respondents themselves framed a Scheme for appointment of MTS, from out of the category of Part Time Casual Labourers to the extent of 25% of the vacancies. In the year 2011, one such exercise was taken up, but the applicant was not appointed. In OA 996/2011, directions were issued to the respondents to consider his case in accordance with the existing scheme. In the order dated 30.10.2013, the respondents have stated the following reasons:

“In accordance with the instructions laid down in the Directorate letter No. 17-141/88-EDC & Trg dated 6.6.1988, casual labourers whether full time or part time will be considered for selection whose engagement as casual labourers is sponsored by the Employment Exchange. But in respect of the applicant’s case, he was not sponsored by Employment Exchange and as such the applicant will not come under purview of the above mentioned Revised Recruitment Rules under 25% quota meant for casual labourers.”

The only reason stated by the respondents is that the applicant was not sponsored by the Employment Exchange. Nowhere, in the scheme or the Rules, there is a mention about the sponsoring of the candidate by the employment exchange. The condition appears have been incorporated sometime in 2014, in the context of implementing the judgment of the Hon'ble Supreme Court in the State of Karnataka vs. Uma Devi. Respondents cannot apply that condition in the case of the applicant.



7. We therefore, allow the OA and direct the respondents to consider the case of the applicant for appointment as MTS, if he is otherwise eligible, without referring to the condition of his being sponsored by the Employment Exchange, within 6 weeks from the date of receipt of copy of this order. If the applicant is selected and appointed, the order shall be prospective in operation.

8. There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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