



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA/020/00170/2016
Date of Order : -01-2020

HYDERABAD, this the day of January, 2020.

THE HON'BLE MRS.NAINI JAYASEELAN: ADMINISTRATIVE MEMBER

S.Alla Baksh S/o S.Hazi Rasool,
Aged about 47 years, working as Part-Time/
Night Watchman, LSG/Sub-Post Office,
Mydekur-516172, Proddatur Division,
Kadapa District.

(By Advocate : Mrs.Rachana Kumari)

...Applicant

Vs.

1. Union of India, Rep by
The Director General, Posts,
Depratment of Posts, Dak Bhavan,
Sansad Marg, New Delhi.
2. The Chief Postmaster General,
A.P. Circle, Hyderabad-500 001.
3. The Postmaster General,
Kurnool Region, Kurnool.
4. The Superintendent of Post Offices,
Proddatur Division, Proddatur-516360.
District Kadapa, A.P.

(By Advocate : Mr.K.Venkateswarlu,Addl.CGSC)

....Respondents

(Order per Hon'ble Mrs.Naini Jayaseelan, Administrative Member)

This application is filed under section 19 of the A.T.Act, for the
following reliefs :

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- (a) To call for records pertaining to filling up of the vacancies for the posts of
MTS (Multi-Tasking Staff) under 25%quota of Part Time / Full Time Casual



Labourers by diverting the same to GDS category on wrong notions that Casual labourers were not available for appointment in the post of MTS category, depriving the applicant of his due appointment as MTS (Group D), declaring the same as arbitrary, illegal, unwarranted, misconceived, and in violation of Article 14 and 16 of the Constitution of India;

- (b) To direct the Respondents to consider the case of the applicant for appointment as MTS (Multi-Tasking Staff) meant for Casual Labourers under 25% Seniority quota from the category of Part Time / Full Time Casual Labourers only, as per the guidelines and Recruitment Rules, 2015 dated 14.05.2015 with retrospective effect as on date of DPC held on 27.10.2015 duly appointing the applicant in the MTS Post with all the consequential benefits;
- and be pleased to pass such other and further order or orders as the Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

2. The brief facts of the case are that the applicant was initially appointed on 28.02.1992 as Contingent Night Watchman at LSG / SUB-Post office, Mydekur vide Memo No.PF/Contingent night Watchman/MYD against regular vacancy. He was employed for 6 hours per day and was paid on prorata basis on monthly basis.

3. According to the Directorate letter dated 03-11-1998, the allowances of the contingent P/T (Part Time) staff have been re-fixed on revised Group D scales as per the recommendations of the V Pay Commission. The

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applicant has been working continuously till date. It is submitted that the



contingent posts of the department were divided into two categories, as defined in the D.G. Posts letter No.45-24/88-SPB-I, dated 15.12.1989 :

- (i) Full Time casual labourers ;
- (ii) Part Time casual labourers.

4. Those engaged for a period of eight hours a day are treated as full time casual labourers and those engaged for less than 8 hours are treated as part time casual labourers. All those with less than 8 hours work, are treated as part time contingent casual labourers. The Director General vide letter No.17-141/88-EDC & Trg, dated 06.06.1988 had issued instructions in respect of casual labourers incorporated vide para 4 of the said letter that :

“4. The suggestion has been examined in detail and it has been decided that casual labourers, whether full time or part time, who are willing to be appointed to ED vacancies may be given preference in the matter of recruitment to ED posts, provided they fulfil all the conditions and have put in a minimum service”.

It is submitted that the promotional avenues for the casual labourers were incorporated in the Rules as communicated vide Notification dated 14.05.2015 issuing amendments through Department of Posts (Multi-Tasking Staff) (Amendment) Recruitment Rules, 2010 and 2012, which are called the “Department of Posts (Multi Tasking Staff) Recruitment Rules, 2015, had categorically clarified the method of recruitment to the MTS cadre as follows :

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1(a) 25% by appointment of Casual Labourers conferred with



temporary status on the basis of selection-cum-seniority failing which by :-

(b) Appointment of existing Casual labourers engaged on or before the 1st September, 1993 working for full hours, namely eight hours on the basis of selection-cum-seniority failing which by :

(c) Appointment of existing Part Time Casual labourers, engaged on or before 1st September, 1993, on the basis of selection-cum-seniority failing which by :-

(d) direct recruitment as per scheme circulated by the Department of Posts from time to time;

(e) 75% by direct recruitment quota as per the scheme circulated by the Department of Posts from time to time, from GDS cadre.

It is the contention of the counsel for the applicant that instead of giving the post of part time / full time Casual Labourers, the post of MTS was diverted for GDS although the GDS was not a part of the Recruitment Rules.

4. The applicant has been given posting as a GDS but his prayer is for posting him as MTS.

5. The learned Standing Counsel for Respondents further states that there is no vacancy available and therefore the case of the applicant cannot be considered.

6. The impugned order dated 11.1.2016 was issued on the ground that the applicant was not eligible for the said post as per the recruitment rules since he was not sponsored by the Employment Exchange.

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7. During the course of hearing, the learned counsel for the Applicant produced the necessary Computer Card and Renewal Application of the applicant from the Employment Exchange.

8. Therefore, prima facie, it does appear that the case of the applicant cannot be rejected on the ground that he was not sponsored by the Employment Exchange.

9. In view of the fact that the applicant has been considered and appointed to the post of GDS, during the pendency of the present OA, the respondent-department be directed to consider the case of the applicant against future vacancies, if any, as the learned Standing Counsel for the Respondents has categorically stated that there are no vacancies available at present.

10. In the result, the impugned order dated 11.01.2016, is hereby quashed and set aside. The applicant is directed to submit a detailed representation to the respondent-department to consider his case for the post of MTS against future vacancies, if any, within one month from the date of receipt of a copy of this order and the respondent-department is directed to take a decision after three months of the date of submission of a detailed representation by the applicant.

11. The Original Application is disposed of accordingly. No order as to costs.

(NAINI JAYASEELAN)
ADMINISTRATIVE MEMBER

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