

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 2829/2001

This the 22nd day of April, 2003

HON'BLE SH. KULDIP SINGH, MEMBER (J)

20

Shri Summer
S/o Sh. Masih
Part time casual labour (Gardner)
Railway Mail Service
Mathura-Junction, Mathura.

...Applicant

(By Advocate: Sh. D.P.Sharma)

Versus

1. Union of India
through Secretary
Ministry of Communication
Deptt. of Posts, New Delhi.
2. The Superintendent
RMS 'X' Division
Jhansi.
3. The Sub Record Officer
Railway Mail Service
Mathura Junction - Mathura.

...Respondents

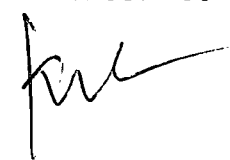
(By Advocate: Sh. S.M.Arif)

O R D E R (ORAL)

Applicant has filed this OA seeking relief for grant of temporary status and regularisation on a Group 'D' post.

2. Facts in brief are that the applicant was engaged as part time casual labour (Safaiwala) w.e.f. 07.01.91. On the basis of certain earlier judgments the applicant claims that he was also entitled for regularisation. Applicant prays for regularisation.

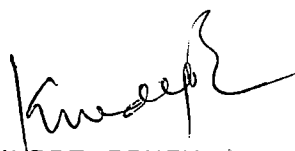
3. OA is being contested by the respondents. Respondents in their reply pleaded that the applicant had earlier filed an OA-1074/97 with MA-1150/97. The OA was partly allowed and respondents were directed to allow the applicants to appear for the departmental literacy test and thereafter to consider



them for regularisation in accordance with the rules of the department.

4. Respondents submits that after this order applicant was put to test but he could not qualify the test, therefore, he could not be regularised. Thus, I find that the OA of the applicant has no merits and is accordingly dismissed.

5. At this stage, Sh. Sharma, counsel for applicant submits that rules were revised and non-test category is introduced, on the basis of which the criteria for 25% vacancies on selection-cum-seniority and applicant should be considered for the same. Though this OA has no merits, however, applicant is at liberty to make representation seeking the benefit of the revised rules which representation shall be decided by the respondents within a period of 3 months after the receipt of the representation. Accordingly, OA is disposed of.


(KULDIP SINGH)
Member (J)

'ed'