

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.3369/2001

New Delhi, this the 13th day of August, 2002

Hon'ble Shri M.P. Singh, Member(A)
Hon'ble Shri Shanker Raju, Member(J)

Smt. Kanta Devi
T-57, Tokriwala, Azad Market
Delhi

.. Applicant

(By Shri Sant Lal, Advocate)

versus

1. Chief Postmaster General
Meghdoot Bhawan, New Delhi
2. Sr. Supdt., P&T Central Division
Meghdoot Bhawan, New Delhi
3. Secretary
Ministry of Communication
New Delhi

.. Respondents

(By Shri B.S. Jain, Advocate)

ORDER(oral)

Shri M.P. Singh, Member(A)

Applicant was engaged as part-time daily wager Farash in June, 1990 in Karol Bagh Post Office. 35 part-time posts in various categories including that of Farash were converted into 17 full time posts (casual labours) vide order dated 31.3.98. Because of this, the applicant has been working as full time Farash from 1.4.98. According to her, on completion of 240 days of regular service, she should have been made permanent in 1997 in terms of OM dated 31.3.1979 read with OM dated 26.10.84 issued by the Ministry of Home Affairs. She has made a representation which has been rejected by the order 13.6.2001. By the present OA, she has prayed for direction to set aside this order dated 13.6.2001 with further directions to the respondents to promote her as Farash on regular basis w.e.f. 1.6.1991 with consequential benefits.

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(2)

2. Respondents in their reply have stated that the applicant was engaged purely on temporary basis for a period of 6 months as daily wager and she continued as such upto 31.3.98. Thereafter, she was engaged as full time casual labour. Her services can be regularised in terms of OM dated 7.6.98 read with OM dated 10.9.93 of DoPT. Para 8 of OM dated 10.9.93 provides that Group D vacancies would be inter alia filled as per the extant R/Rules. Applicant is not entitled for regularisation against any Group D post. Since she was not sponsored by the Employment Exchange, she cannot be regularised in terms of orders dated 8.4.91 issued by DoPT.

3. Heard the learned counsel for the parties and perused the records.

4. During the course of the arguments, the learned counsel for the applicant has drawn our attention to the decision of this Tribunal dated 31.1.2002 by which OA 2473/2001 involving a similar issue concerning the same respondents was allowed and the respondents were directed to consider grant of temporary status to the applicant therein in terms of the casual labour scheme, 1989. He has contended that the case of the applicant is covered by the aforesaid judgement dated 31.1.2002 and therefore similar directions may be passed in the present OA.

5. We have considered this aspect and we do agree with the contention of the learned counsel for the applicant. In the result, the present OA is partly allowed to the extent that the order dated 13.6.2001 is quashed and set



(3)

aside. We direct the respondents to consider the case of applicant for granting temporary status and regularisation thereof strictly in accordance with the statutory rules and instructions on the subject. This shall be done within a period of three months from the date of receipt of a copy of this order. No costs.

S. Raju
(Shanker Raju)
Member(J)

M.P. Singh
(M.P. Singh)
Member(A)

/gtv/