

Central Administrative Tribunal, Principal Bench

Original Application No. 1855 of 1996

New Delhi, this the 10th day of July, 2000

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. V.K. Majotra, Member (Admnv)

Shri Uma Shankar Verma son of Shri Dharam Raj Verma, employed as Sorting Asstt. of Airmail Sorting Dn. New Delhi, on deputation to Army Postal Service, permanent resident of Allahabad, at present residing in the Army accommodation in J&K, address for service of notices C/o Shri Sant Lal Advocate, C-21(B) New Multan Nagar, Delhi-110056.

- Applicant

(By Advocate Shri Sant Lal)

Versus

1. The Union of India, through the Secretary, Ministry of Communications, Deptt. of Posts, Dak Bhawan, New Delhi-110001.
2. The Chief Postmaster General, Delhi Circle, Meghdoot Bhawan, New Delhi-110001 - Respondents

(By Advocate Shri R.P. Aggarwal)

O R D E R (Oral)

By Justice Ashok Agarwal, Chairman.-

Heard parties.

Equal pay for equal work and applicant's right

for regularisation are the burden of ~~this order~~. *the song that has been put to tune in the present O.A.*

2. It is alleged that the case of the applicant is similarly placed as the applicants in various judgments rendered which are annexed at Annexures-A-3 to A-6. Based on the judgments it is claimed that the applicant cannot be paid on hourly basis as other similarly placed are being paid. It is alleged that impugned order rejecting aforesaid claim of the applicant on the ground that the benefit conferred by aforesaid judgments are applicable only to the applicants in those cases cannot be justified. It is contended that in view of a decision of a Full Bench of this Tribunal in the case of C.R. Rangadhamaiah and others Vs. Chairman, Railway Board, & others, CAT (F.B).

Vol.III 265 (para 13) aforesaid decisions would be

judgments in rem and not judgments in persona. *Benefits of the judgments, in the circumstances, should be extended to the applicant also.*

3. As far as the claim of the applicant for

regularisation is concerned, it is contended, that the applicant had been appointed on adhoc basis from 1986 and he has been regularised in 1989. The applicant claims that he is entitled for regular appointment retrospectively from 1986 when he was appointed on adhoc basis.


4. As far as the ~~latter~~ ^{aforesaid} claim is concerned, it is pointed out by Shri Aggarwal appearing on behalf of the respondents that the applicant had been appointed in terms of a scheme of 15th November, 1980 (Annexure-R-1) which, inter alia, provides as under:-

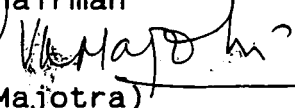
2(ii) At present at the time of each recruitment after the select list is drawn up, an additional list of candidates known as part 'B' or part II is prepared by each recruitment unit. The candidates in part 'B' list are called up against drop-outs from the main list. They are imparted training only after they are brought on to the main list. It is now proposed that after the main list is drawn up, a specific additional reserve list of candidates equal in number to 50% of the number of candidates in the main select list, will be drawn up. The candidates in the reserve list will also be imparted training like the candidates in the main list. The candidates in the reserve list, after training will constitute a standing pool of trained reserve. They will be absorbed in regular vacancies in their turn, after the candidates in the main list are absorbed. Till then they will be used as short duty staff against vacancies due to absenteeism or any other reasons, besides for handling peak hour traffic. As the purpose of using them as short duty staff is to minimise staff shortage, they may be called up for engagement as short duty staff keeping in view their ready and easy availability on demand and not necessarily in the order of their position in the reserve list. Their eventual absorption as regular staff will, however, be in the order of their merit. They may be employed according to needs subject to maximum of eight hours per day."

5. Under the scheme the applicant could be absorbed only when and after his seniors were regularised which was in 1989. Similarly, according to Shri Aggarwal services of the applicant ~~were~~ not utilised on regular basis. ^{Has service} ~~They were~~ utilised on short term basis as and when vacancies arose due to certain absenteeism ^{etc i.e. under Kafagesaid Scheme} for short duties. The applicant in the circumstances cannot claim pay equal to the one earned by regular employees. Reliance is placed by Shri Aggarwal on our decision in the case of Sukhvir Singh Vs. Union of India and others, O.A.No.2459/1996 decided on 26th June, 2000 wherein it has, inter alia, been held:-

"We have gone through the provisions of the scheme relating to standing pool of trained reserve candidates for Post and RMS offices, Annexure-R-I. We find that after recruitment in 1984, the applicant has been correctly regularised under the provisions of the scheme on 3.6.1988. The applicant has not been able to make out a case for granting him the facilities/ benefits of regular Postal Assistant from the date prior to 3.6.1988 when his services were regularised."

6. In view of the contentions advanced by Shri Aggarwal, which contentions we find are fully justified, we find that the present O.A. is devoid of merit. The same is accordingly dismissed, however, without any order as to costs.


(Ashok Agarwal)
Chairman


(V.K. Majotra)
Member (Admnv)