

Central Administrative Tribunal, Principal Bench

O.A.No.2/97

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 24th day of September, 1997

(9)

Bijender Singh
s/o Shri Hardwari Singh
D-56, S.G.M.Nagar
NH - IV,
Faridabad.

... Applicant

(By Shri A.K.Sudan, Advocate)

Vs.

1. Union of India
through Secretary to Govt. of India
Ministry of Communication
(Department of Posts)
Dak Bhavan
New Delhi - 110 001.
2. Senior Superintendent of Post Offices
Faridabad Division
Faridabad.
3. Senior Postmaster
Faridabad Head Post Office
Faridabad. ... Respondents

(By Shri K.R.Sachdeva, Advocate)

O R D E R (Oral)

The applicant claims that he had been working as 'outsider' Postman under R-3 for various periods between 1992 - 1996. He has put in 290 days in the year 1995 and was thus entitled to the benefit of the Scheme regarding Casual Labour for the purpose of grant of temporary status and regularisation. The applicant had filed an earlier OA No.1015/96 which was disposed of on 22.5.1996 with a direction to the respondents to treat the OA itself as representation made to the respondents by the applicant and decide the same. The respondents thereafter passed the impugned order, A1 stating that since the applicant had been engaged on daily wages on short term basis as outsider Postman, and not against any permanent post and did not work continuously/regularly against any permanent vacancy, he could not be termed as a casual labour or part time employee. Hence he

(12)

-2-

could not be considered for grant of temporary status and regularisation in the Department of Posts. It is being aggrieved by this order that the applicant has once again come to this Tribunal in this OA.

(10)

2. The respondents in their reply state that the post of Postman is a Group 'C' post. The case cited by the applicant in support of his claim relates to grant of temporary status in Group 'D' post. There are specific Recruitment Rules for the Postman and as per the decision of Supreme Court, no regularisation can be made of Casual Labour de hors the Recruitment Rules. They also rely on the judgment of this Tribunal in OA No.501/96, R-IV (Kishore Singh Vs. Union of India & Others) decided on 6.2.1997.

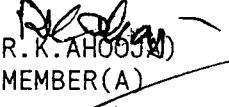
3. I have heard the counsel on both sides. The learned counsel for the applicant submits that even if the Postman is in Group-C, a substitute of Postman/outsider employed on daily wages against the vacancies of Postman is necessarily in Group 'D'. He argues that it is not the post but the remuneration paid to the applicant which is relevant for determining the status as Group 'C' and Group 'D'. I am unable to find any merit in this argument. The relief sought by him is to regularise him as a Postman which is admittedly Group 'C' post. In this view of the matter, he is not entitled to the benefit of the Scheme formulated by the respondents for grant of temporary status and regularisation to casual labourers. Besides, as submitted by the learned counsel for the respondents, this Tribunal has already decided a case in OA No.501/86 (Kishore Singh Vs. Union of India) ^{which} squarely applies to the present case, and had rejected the claim of the applicant therein. Therein the applicant was

0V

similary placed as the present applicant. I am in respectful agreement with the findings of the co-ordinate Bench.

Accordingly, I reject the claim of the applicant herein also. (11)

OA is accordingly dismissed. No costs.


(R.K. AHOOJA)
MEMBER(A)

/rao/