

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

O.A. No.961/94

New Delhi, dated the 24th Jan.,1995

CORAM

Hon'ble Shri B.N.Dhoundiyal, Member (A)

Hon'ble Smt.Lakshmi Swaminathan, Member (J)

Shri Dalbir Singh

resident of Dhakla, Distt. Rohtak,
c/o Shri Sant Lal, Advocate,
C-21(B) New Multan Nagar, Delhi-56

... Applicant

(By advocate Shri Sant Lal)

V/s

1. The Union of India, through the Secy
Ministry of Communications,
Department of Posts, Dak Bhawan, New Delhi
2. The Director of Postal Services,
Haryana Circle, Ambala Cantt.
3. The Senior Supdt. of Post Offices,
Rohtak Division, Rohtak
4. Smt. Krishna Kumari, Sub Postmaster,
Dhakla Post Office, Tehsil, Jhajjar,
District Rohtak (Haryana)

... Respondents

(By Advocate Shri K.C. Sharma)

JUDGMENT (ORAL)

(Hon'ble Shri B.N.Dhoundiyal, Member (A))

The applicant Shri Dalbir Singh has prayed for reinstatement as Chowkidar, granting of temporary status and regularisation in Group 'D' cadre in the Department of Posts. He claims to have been working as Chowkidar in Dhakla Post Office under Rohtak Postal Division w.e.f. 6.5.1982. He worked continuously upto 19.9.1993 and his services were terminated without

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assigning any reason and without giving him due notice. The applicant claims to have been working for more than ten years and he also states that several persons junior to him have been retained in service.

2. In the counter filed by the respondents, it is stated that the applicant was working as a contingency paid employee to whom fixed monthly wages were being paid. No appointment order was issued and no service record was required to be maintained in respect of such employees. As per the local orders of Sub Postmaster he was first engaged on 1.9.1984 as part time Choudhary. The applicant was never performing his duties sincerely and devotedly and was often absent from his duties. One warning was also issued to him. A theft occurred in Dhakla PO on the night between 19.9.1993 and 20.9.93 and he was, therefore, not engaged further w.e.f. 20.9.1993.

3. In accordance with the Temporary status to Casual Labour(Postal)/^{scheme} dated 12.4.1991, temporary Status would be conferred on the casual labourers in employment as on 29.11.89 and who continue to be currently employed and have rendered continuous service of atleast one year. It is true that temporary status does not bar dispensing with the services of the casual labourers but this is to be done after following the due procedure. The scheme also provides that if a labour with temporary status commits a misconduct and the same is proved in an enquiry after giving him reasonable opportunity, his services will be

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(3)

dispensed with. Admittedly in this case, his services were terminated only by way of verbal orders and due procedure was not followed.

4. In the circumstances of the case, we hold that the applicant is entitled to succeed and direct the respondents to reinstate the applicant forthwith. However, he has not discharged any duties during this period. Hence no back wages will be payable to him-though this period will be taken into account for determining his seniority among the casual labourers.

5. These directions shall be implemented within a period of one month from the date of receipt of a certified copy of this judgment.

6. The OA is disposed of with the above directions. There will be no order as to costs.

Lakshmi Swaminathan
(Lakshmi Swaminathan)

Member(J)

B.N. Dhoundiyal
(B.N. Dhoundiyal)

Member (A)

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