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In the Central Administrative Tribunal
Principal Bench, New Delhi

Regn. No. OA-611/88

Date: 29.5.1990.

Shri Girdhari Lal Applicant

Versus

Union of India & Ors. Respondents

For the Applicant Shri Sant Lal, Advocate

For the Respondents Shri P.P. Khurana, Advocate

CORAM: Hon'ble Shri P.K. Kartha, Vice-Chairman (Judl.)
Hon'ble Shri D.K. Chakravorty, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the judgement? *Yes*
2. To be referred to the Reporter or not? *No*

(Judgement of the Bench delivered by Hon'ble
Shri P.K. Kartha, Vice-Chairman)

The applicant, who has worked as a Casual Labourer on daily wages, filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for the following reliefs:-

- (i) to direct the respondents to implement their order dated 22.1.1987, whereby he has been declared successful in the examination for recruitment of Group 'D' officials held on 11.1.1987;
- (ii) to direct them to make payment of pay and allowances in the prescribed scales of pay of Group 'D' Cadre w.a.f. 6.2.1987^(AN), when he joined his duties on the regular post pursuant to the order dated 6.2.1987; and
- (iii) to grant consequential relief of fixation of seniority and pay.

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2. The facts of the case in brief are as follows. The applicant was engaged as a Casual Labourer on daily wages in Sarojini Nagar Head Post Office, New Delhi, w.e.f. 10.3.1983. He appeared in the examination for recruitment of Group 'D' employees along with others on 11.1.1987 and was declared successful. His name appeared at Sl.No.9 of the list of successful candidates. Thereafter, he was medically examined and found fit. He also furnished the requisite premium for surety bond for regular appointment. He was taken on duty as a Letter Box Peon and he joined duty on 6.2.1987.

3. However, the Senior Postmaster, Sarojini Nagar, issued an order on 23.5.1987, whereby he appointed 9 employees who had been declared successful in the departmental examination held on 11.1.1987, as Group 'D' officials on temporary basis. The name of the applicant did not figure in the said list.

4. The applicant submitted a representation on 20.5.1987 against the exclusion of his name from the approved list of successful candidates. He has not received any reply to the said representation.

5. The respondents have stated in their counter-affidavit that the result of the examination held on 11.1.1987 was cancelled and a fresh result was issued on 19.5.1987 as it was observed that due representation had not been given to the S/T category in accordance with the reserved points in the Communal Roster for that category. The points reserved for SC and ST categories had been given to the general category in the examination held on 11.1.1987. The respondents, however, took action to get

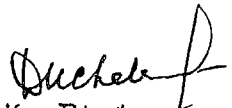
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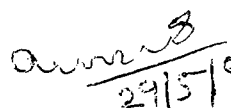
the reserved points dereserved and the applicant has been given regular appointment in Group 'D' w.e.f. 2.6.1988.

6. We have gone through the records of the case and have heard the learned counsel for both the parties. Admittedly, the applicant has passed the examination for recruitment of Group 'D' officials held on 11.1.1987. He has also completed the requisite formalities and had given his Charge Report on 6.2.1987. The fact that one post in the reserved category was dereserved later, would not, in our opinion, affect the right of the applicant to regular appointment from 20.5.1987, when the other employees who passed the said examination were appointed on temporary basis in Group 'D' posts. In the facts and circumstances of the case, he would be entitled to the arrears of pay and allowances in the prescribed scale of pay of Group 'D' Cadre w.e.f. 20.5.1987 upto 2.6.1988, when he was appointed on regular basis in Group 'D' Cadre. His seniority should be reckoned from 20.5.1987 and his pay should also be fixed accordingly from that date.

7. The respondents shall comply with the above directions within a period of one month from the date of communication of this order.

There will be no order as to costs.


(D.K. Chakravorty)
Administrative Member
28/5/1990


29/5/90
(P.K. Kartha)
Vice-Chairman(Judl.)