

(18)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 6TH DAY OF DECEMBER, 2000

Original Application No.08 of 1997

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

Lala Ram, a/a 54 years, Son of  
Late Sri Kalla Ram, R/o Ghatia Agamkhan  
District Agra, working as Full Time  
Waterman at Agra Fort RMS  
Office, Agra.

... Applicant

(By Adv: Shri M.K.Upadhyaya)

Versus

1. Union of India through Director  
General of Posts, Dak Bhawan  
Sansad Marg, New Delhi-1
2. Supdt. of RMS "X" Division, Jhansi
3. Sub Record Officer RMS "X" Division  
Agra.

... Respondents

(By Adv: Km. Sadhna Srivastava)

O R D E R(Oral)

(By Hon.Mr.Justice R.R.K.Trivedi,V.C.)

By this application u/s 19 of A.T.Act 1985 the applicant has prayed that his services may be directed to be regularised w.e.f. 1.4.1995 and he may be treated as Group 'D' employee with all the benefits arising therefrom. The facts stated in the application are that applicant is serving as Casual Labour in the department as Waterman since 1.12.1962 at RMS Post Office Fort Agra. The applicant has submitted that he is working for seven hours every day but he has ~~not~~ been regularised on the post.

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Resisting the claim of the applicant counter affidavit has been filed. In paragraph 5 of the counter affidavit it has been admitted that the applicant has rendered continuous service for seven hours per day since February 1988 (9.15-13.15 and 15.30 to 18.30). The respondents case is that as the applicant was serving as a Part-time casual labour, he is not entitled for regularisation. From February 1998 the applicant is being paid daily rates linked minimum wages with DA revised from time to time as per Govt. order. However he has not been paid HRA and CCA.

The similar controversy came up for consideration before a D.B of Jodhpur Bench of this Tribunal in case of 'Chaturbhuj Sharma Vs. Union of India and Ors, 1999(3)ATJ 504. The Division bench in para 13 held as under:-

"Having regard to the aforesaid facts and circumstances we do not feel persuaded to reconsider the content view taken by the Ernakulam Bench of this Tribunal that the benefit of "Casual Labourer(Grant of temporary status and regularisation) Scheme, In so far as it pertains to grant of temporary status and further absorption in Group 'D' post is equally applicable to Part-Time casual labourers like the applicants also,hence it follows that the

applicants are also entitled to the same relief as granted in the similar case by Ernakulam Bench."

The facts in case 'Chaturbhuj Sharma(Supra)' that the applicant before the bench was serving as Part-time casual labourw.e.f. 1.4.1989 as Waterman cum Sweeper on <sup>were</sup> ~~payment of wages on~~ the monthly basis. In the present case applicant was serving as Waterman <sup>wages on a</sup> since February 1988 and he is also being paid ~~on~~ <sup>wages on a</sup> the monthly basis. In my opinion, the view expressed by the D.B. in Chaturbhuj Sharma's case is squarely applicable in the present

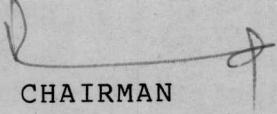
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case. The view expressed by the Division Bench has been followed by the other bench of this Tribunal in case of 'Nandu Singh Vs. Union of India and Others 2000(2) ATJ 253. In my opinion, the applicant is entitled for the relief.

The application is accordingly allowed with the direction that the applicant's case shall be considered for regularisation and appointment as a Group 'D' employee by the respondents within three months from the date a copy of this order is filed. The respondents shall also consider as to from which date the applicant may be regularised as Group 'D' employee under the Scheme is applicable.

There will be no order as to costs.

  
VICE CHAIRMAN

Dated: 6.12.2000

Uv/