

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 11th day of March, 2005.

QUORUM : HON. MR. K.B.S. RAJAN, J.M.

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O.A. NO. 1228 of 2004 b

Bhullar Ram, son of Shri Tulsi Ram, R/O Village and Post Sakalpur, District Varanasi.....
.....Applicant.

Counsel for applicant : Sri G.K. Gupta.

Versus

1. Union of India through the Secretary, Post & Telecommunication, Govt. of India, New Delhi.

2. The Post Master General, Zonal Office, Allahabad.

3. The Superintendent of Post, Head Post Office, Varanasi.

.....Respondents.

Counsel for respondents : Sri S. Singh.

O R D E R (Oral)

BY HON. MR. K.B.S. RAJAN, J.M.

The claim of the applicant is that in accordance with the order dated 30.11.1992, he should be considered as regular right from the initial date of his engagement as a Casual Labour, which is 1973 till the date of his retirement which is 24.12.1999.

2. The relevant orders on the subject has been perused and the same are reproduced below :-

“Sub.: Regularisation of casual labourers.

Vide this office circular letter No.45-95/87-SPB.I 12.4.1991 a scheme for giving temporary status to casual labourers fulfilling certain conditions was circulated.

In their judgment dated 29.11.1989, the Hon'ble Supreme Court have held that after rendering three years of continuous service with temporary status, the casual labour shall be treated at par with temporary Group 'D' employees of the Department of Posts and would thereby be entitled to such benefits as are admissible to Group 'D' employees on regular basis.

In compliance with the above said directive of the Hon'ble Supreme Court it has been decided that the Casual labourers of this Department conferred with temporary status as per the scheme circulated in the above said circular No.45-95/87-SPB.I dated

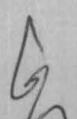
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12.4.1991 be treated at par with temporary Group 'D' employees with effect from they complete three years of service in the newly acquired temporary status as per the above said scheme. From that date they will be entitled to benefits admissible to temporary Group 'D' employees such as :-

1. All kinds of leave admissible to temporary employees.
2. Holidays as admissible to regular employees.
3. Counting of service for the purpose of Pension and terminal benefits as in the case of temporary employees appointed on regular basis for those temporary employees who are given temporary status and who complete 3 years of service in that status while granting them pension and retrial benefits after their regularization.
4. Central Government Employees Insurance Scheme.
5. G.P.F.
6. Medical Aid.
7. L.T.C.
8. All advances admissible to temporary Group 'D' employees.
9. Bonus."

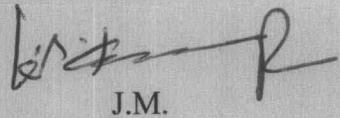
3. The above order is unambiguous and clear. A casual labour has to attain the regular status step by step. Initially, after some prescribed time, he is afforded temporary status and after three years of such temporary status, he is deemed to be a regular Group 'D' employee with effect from completion of his three years of temporary service. Telescoping this rule position on the facts of the case, the following emerges :-

- a) Entry 1.1.1973
(According to Respondents, 5.2.1973) engagement as Casual Labour.
- b) 29.11.1989
Temporary status granted.
- c) 29.12.1992
Completion of three years of temporary status.
- d) 24.12.1999
Retirement.



4. It would be seen that the qualifying service for pension purposes in accordance with the above order, the period that can be counted in the case of the applicant, is from 29.11.1992 to 24.12.1999 which is much less than 10 years period. As such, the individual is not entitled to any pensionary benefits as claimed. Rule provides for any gratuity for a period less than ~~three~~^{five} years, the Respondents should consider the same and pay the applicant ~~any~~ such dues, if ~~any~~ any.

5. The O.A. is disposed of on the above lines. Under the circumstances, no order as to costs.



J.M.

Asthana/