

OPEN COURT**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD**

ORIGINAL APPLICATION NO.1329 of 2005

Allahabad, this the 3rd day of March, 2009.Hon'ble Mr. A.K. Gaur, Member-J
Hon'ble Mr. S.N. Shukla, Member-A

1. Dilip Kumar Tripathi son of late Umasharan Tripathi, Resident of House No.C-4/351, Sarai Gobardhan, Chetganj, Varanasi.
2. Ramashraya Prakash Verma Son of late Vidhnyavasini Prasad, Resident of House No.E-9/27, Patrakar Colony, Pandeypur, Varanasi.
3. Umesh Kumar Sharma Son of Shri Rama Shankar Sharma, Resident of House No.K-23/72, Mangalagauri, Varanasi.
4. Jai Prakash Rai Son of late Shiv Pujan Rai, Resident of House No.K-47/249, Katuapura, Varanasi.
5. Ram Kumar Srivastava Son of Late Vishwanath Lal, Resident of House No.E-9/30, Premchandra Nagar Colony, Pandeypur, Varanasi.
6. Ram Asharey Prasad Son of late Nanku Prasad Prajapati, Resident of Village Rauna Kala, Post Bela, District Varanasi.

All are presently posted in P&T, Dispensary, Varanasi.

...Applicants.

(By Advocate: Shri G.K. Gupta

Versus

1. Union of India through the Secretary, Ministry of Communication, Department of Posts & Telecommunication, Govt. of India, New Delhi.
2. The Post Master General, Zonal Office, Allahabad.
3. The Superintendent of Post Offices, East Division, Varanasi.

...Respondents.

By Advocate : Shri Anil Dwivedi

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ORDER

Delivered by Hon'ble Mr. A.K. Gaur, Member-J :

Through this OA, the applicants have claimed for direction to the respondents to consider and make regularization of the applicants in service since the date of getting the status of temporary group 'D' employee. The applicant No.1 and 2 are initially appointed as Gate Keeper while applicant No.3 is initially appointed as R.R. Peon, Applicant No.4 is initially appointed as Helper Lab. Technician, Applicant No.5 is initially appointed as C.P. Chaukidar (Contingency Paid Chaukidar) and applicant No.6 is initially appointed as Helper Pharmacist, under the respondents-department.

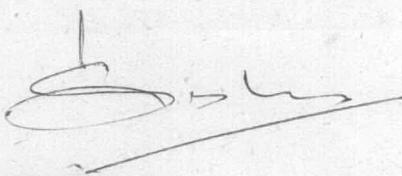
2. By filing reply the respondents have stated that the applicants are working on the aforesaid post. It has also been submitted by the respondents that the applicants were granted temporary status and they have given all the benefits of temporary employee as per C.P. Rules. The learned counsel for the respondents invited our attention to paragraph 'C' of the counter, which is reproduced herein under :-

"That in compliance with the direction of the Hon'ble Supreme Court in judgment dated 20.11.1989 passed in Writ Petition No.1276/1986, all the casual labourers including the applicants were granted temporary status of Group 'D' w.e.f. 29.11.1989 vide D.G. (Posts), New Delhi communication No.45/95/87-SPB-I dated 12.04.1991, a photocopy of which is being enclosed herewith and marked as Annexure CA-2, and were treated as temporary Group 'D' employees from the date they completed three years of service in the newly acquired temporary status vide the D.G. (Posts), New Delhi communication No.66-9/91-SPB-I dated 30.11.1992. A photocopy of D.G. (Posts), New Delhi communication No.66-9/91-SPB-I dated 30.11.1992 is being enclosed herewith and marked as Annexure CA-3."

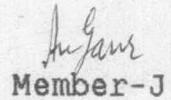
3. The applicants have already preferred representation seeking regularization from time to time and his last representation is dated 20.3.2005 (Annexure-3).

4. We have heard Shri G.K. Gupta, learned counsel for the applicant and Shri Anil Dwivedi, learned counsel for the respondents. In view of the clear and unequivocal statement of fact made by the learned counsel for the respondents in their reply that it has been provided that a Casual Labour who worked continuously three years with temporary status will be treated at par with temporary Group 'D' employee and therefore, the applicants will be entitled to such benefits as are admissible to Group 'D' employee on regular basis. In view of the said statement of fact we are firmly of the view that there appears hardly any justification for not considering the case of the applicants for regularization on the post held by them. We accordingly, direct the respondents to consider and pass appropriate order with regard to regularization of the applicants within a period of three months from the date of receipt of copy of this order.

5. In view of the above, the OA is disposed of. No costs.



Member-A


Anil Gaur
Member-J

RKM/