

OPEN COURT

CENTRALL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

**ORIGINAL APPLICATION NO. 447 OF 2005**

ALLAHABAD THIS THE 22<sup>ND</sup> DAY OF APRIL, 2009

HON'BLE MR.JUSTICE A.K.YOG, MEMBER-J

1. Association of Casual Labourers of Post Offices of Gorakhpur Division through its President Shri Sidhnath Srivastava, Head Post Office, Gorakhpur – 273 001.
2. Sidhnath Srivastava aged about 42 years S/o Late Shri Baijnath Srivastava, R/o E.W.S. 442, Shastrinagar Colony, Gorakhnath Mandir, Gorakhpur- 273015, Employed as Casual Chowkidar Head Post Office Gorakhpur- 273001.

-----Applicants.

By Advocate: Shri J.M.Sinha

Versus

1. The Union of India through the Secretary, Ministry of Communication, Department of Posts, Dak Bhawan, New Delhi – 110001.
2. Postmaster General, Gorakhpur Region, Gorakhpur – 273008.
- 3.

----- Respondents.

By Advocate: Shri A.K.Sinha

Shri A.S. Diwakar

¶ Sh. Saurabh Srivastava *X*

*¶ Allowed rule order of  
date an H.A. 18/16/09 -  
allowed today.  
R.K. 15/5/09.*

**ORDER**

HON'BLE MR. JUSTICE A.K.YOG, MEMBER (J)

According to the NOR (Note of Registry – on order sheet), OA was filed in 2005 but not admitted.

2. Heard Shri J.M.Sinha, Advocate, learned counsel for the applicant and Shri Saurabh Srivastava, Advocate learned counsel appearing on behalf of the Respondents.

According to the learned counsel for the Applicant, matter of regularization of casual labour is within the domain of Director General of (posts). It is being argued, that the representation of the applicant (Annexure A-I to the OA) has been decided by Postmaster General, Gorakhpur Region, Gorakhpur who has no jurisdiction, in fact it should have been decided by Director General (Posts). Learned counsel of the applicant pointed out that said representation was addressed to the Secretary Ministry of Telecommunication / Director General (posts) and, according to the applicants, the said representation should have been decided by the said authority.

3. Para 10 of the earlier Tribunal's order dated August 02, 2001 in OA No. 635 of 2000/annexure 9 to the present OA, reads as follows :

*I, therefore, direct the respondents that in case the applicants make a representation in the light of above observation within two months, same be decided within three months thereafter by the competent authority, and a detailed, reasoned and speaking order be passed taking into consideration the service condition, the direction by the Hon'ble Apex Court, the scheme prepared as per Annexures A-1, A-2 and the rules in this regard. The O.A. is disposed of with these directions. No order as to cost.*

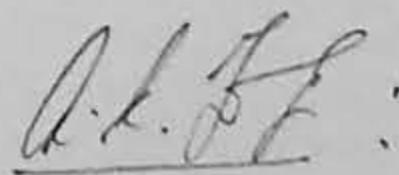
4. Apparently there is no specific/particular authority mentioned in the Tribunal's order. Further I find that order dated 16.04.2002 passed by the Post Master General Gorakhpur purporting to the said representation 1.10.2001/ Annexure A-I also does not show as to why the said representation was not decided by the Secretary Ministry of telecommunication / Director General (posts), before whom said representation is said to have been submitted.



5. It is appropriate that Director General (posts) Secretary, Ministry of Telecommunication is requested to consider the representation of the applicants (as it relates to the policy of the department) in accordance with relevant instruction of the Government and pass a reasoned order.

6. In the result, I direct the applicant to file within four weeks from today a certified copy of this order alongwith a copy of OA (with Annexure) before the Director General (posts), Ministry of communication and Addl. Representation (if any) and the said authority subject to the above, shall consider and decide said Representation/Additional Representation by a speaking/reasoned order dealing with the contentions raised by the applicant in his Representation/Additional representation, within a period of three months on receipt of certified copy of the order (as contemplated above) in accordance with law exercising unfettered discretion and communicate the decision to the applicant forthwith. It is also provided that order dated 16.4.2002 passed by Post Master General Gorakhpur, Annexure A-I to the OA, shall be subject to the order passed by Director General (posts) under this order.

7. O.A. stands disposed of subject to above direction no order as to cost.



Judicial Member

Sh/