

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 24th day of September, 2021

Original Application No. 330/00245/2017

Hon'ble Mr. Tarun Shridhar, Member (A)

1. Amar Nath Vishwakarma, aged about 43 years, S/o Shri Ram Kumar Viskarama, R/o C. 23/59, Kabirchaura Varanasi.
2. Devendra Singh, S/o Shri Gorakh Singh, R/o Village Tusauri, Post – Mai (Kuteer Chakkay) District Jaunpur.

...Applicants

By Advocate : Shri M. K. Upadhyay.

V E R S U S

1. Union of India through the Secretary, Ministry of Communications, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi-110001.
2. The Chief Post Master General, U.P. Circle, Lucknow – 226001.
3. The Post Master General, Allahabad Region, Allahabad – 211001.
4. The Director Postal Services, Office of Post Master General, Allahabad Region, Allahabad – 211001.
5. The Superintendent Postal Stores Depot, Allahabad 211001.

...Respondents

By Adv: Shri Bablu Singh.

O R D E R

Shri M. K. Upadhyay, learned counsel for the applicants and Shri Bablu Singh, learned counsel for the respondents are present.

2. Heard learned counsel for the parties on admission and perused the record.

3. The facts of the case are that the applicants have been working in the department of the respondents on either part-time or full time casual basis as casual gardeners/labour since the year 1993. They seek regularisation in accordance with the various rules and instructions and pronouncements of different courts governing regularization of casual labours/labourers who have temporary status and who have been working continuously over a period of time which has been laid out as a qualification to the case for the sake of clarity the extract from the OA wherein relief has been sought is reproduced below:-

- (i) The Hon'ble Tribunal may graciously be pleased to direct to the respondents to consider the case of the applicants to bring him on regular/payment establishment and treat him at par with the regular Group 'D' employee from the date he adjunct, in accordance with Rule 154 (a) of the "Manual of Appointments and Allowances of Officers of the Indian Posts and Telegraphs Department" with all consequential benefits.
- (ii) To issue any order or direction in favour of the applicant as deemed fit and proper in the circumstances of the case.
- (iii) Award the cost of application in favour of the applicant.

4. Learned counsel for the applicants draws attention to Para 4.10 of the OA and mentions that the claim of the applicants is adequately covered under the (Manual of appointments and Allowances of Officer of Indian Posts and Telegraphs Department) wherein there is a provision and procedure laid down for daily contingency paid employees on regular establishment.

5. Shri Bablu Singh, learned counsel for the respondents draws attention to the document he has annexed with his counter affidavit which is an extract from Swami's Establishment and Administration. He points

out that it is made clear that according to the various orders of the scheme it is only those full time casual labours who were in appointment as on 29.11.1989 were eligible to be contemporary status.

6. Learned counsel for the respondents further mentions that since the applicants do not meet this eligibility conditions their case cannot be considered for regularization.

7. However, in view of the limited prayer made in this OA the interest of justice demands that this case be disposed of at this stage with a direction to the respondents to consider the claim of the employees strictly in accordance with the provisions of “Manual of appointments and Allowances of Officer of Indian Posts and Telegraphs Department” and other rules and instructions governing the subject. With these directions the OA is disposed of without any comments on the merits of the case.

8. Direction be complied with within a period of eight weeks from the date of receipt certified copy of this order.

9. It is made clear that the Tribunal has not expressed any opinion on the merits of the case.

10. There shall be no order as to costs.

(Tarun Shridhar)
Member (Administrative)

/Shashi/