

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No.898 of 1988

Jai Prakash

... Applicant

Versus

Chief Postmaster & another

... Respondents

HON'BLE MR. MAHARAJ DIN - MEMBER (J)

HON'BLE MR. K. MUTHUKUMAR-MEMBER (A)

(By Hon'ble Mr. K. Muthukumar- AM)

The applicant in this O.A. has prayed that the respondents may be directed to permit him to appear in the recruitment examination of Group 'D' employees on 31st July, 1988 for which he has fulfilled all requisite conditions. I

2- It is seen from the record before us and also the averments made in the counter affidavit that the applicant was working as a substitute casual labourer in ⁱⁿ the post of Extra Departmental Stamp Vendor and his employment come to an end automatically when the Extra Departmental Vendor joined the duty on expiry of his leave. With regard to this prayer for permitting him to appear in the departmental examination, counsel for the petitioner argued that since he has been continuously working as a substitute for more than 2 years, he is eligible to be permitted to take departmental examination.

3- The learned counsel for the respondents argued that the petitioner had never worked as a regular employee and he had worked only as a substitute and the fact that he has been working continuously for more than two years, has also been specifically denied in the counter affidavit. Secondly, he argued that a substitute casual labourer ^{does} not acquire any right.

4- We have heard the learned counsels for the parties.

We have seen the circulars regarding regulation of terms and conditions governing employment of casual labour for regularisation.

Learned counsel for the respondents has rightly argued that till

that time ^{applicant} he was not working as regular casual employee. The

petitioner has no locus-standie, as at the time of Group 'D'

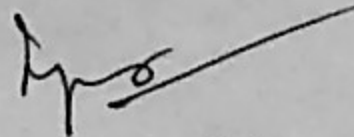
examination, he was not an employee of the postal department. He

was rightly rejected permission to appear in the departmental

examination. The examination was also held in 1988 and the

application also in our view, has become infructuous. We, accordingly

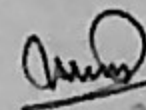
dismiss the application and there will be no order as to cost.



MEMBER (A)

DATED: Allahabad July 29, 1994.

(IS PS)



MEMBER (J)
