

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD

O.A. No. 1062/92

Kewal Singh..... Applicant

Versus

Union of India and others. .... Respondents.

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. K. Chayya, A.M.

( By Mr. Justice U.C. Srivastava, V.C. )

As the pleadings are complete the case is being heard and disposed of finally with their consent.

2. The applicant was appointed as part time Safai worker on 5.1.82 in Buland Shahar Telegraph Office. In response to STT Meerut letter dated 5.2.90 vide order dated 8.2.90 the applicant was allowed to perform full time duties as full time casual labour with effect from 9.2.90.

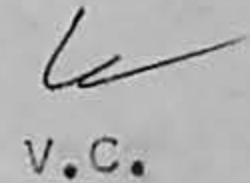
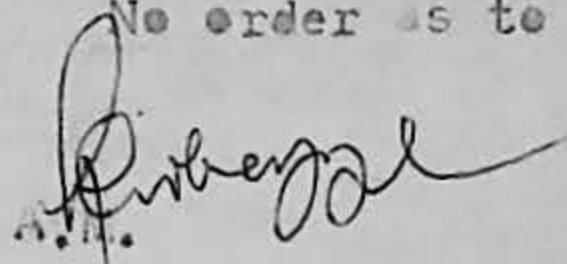
3. The grievance of the applicant is that he <sup>more than</sup> has completed /240 days and as a matter of fact he has worked for more than 2 years and 4 months and as such <sup>terms of</sup> in/the general circular and the decision of the department contained in the circular he should ~~have~~ been regularised and instead of regularising him they have made him again as a part time worker asking him to work for 4 hours only vide order dated 30.6.92 which order too has been passed with reference to STT Meerut letter dated 23.6.92 which provided the reduction in strength in this office.

4. The respondents have contested the claim of the applicant and ~~have~~ pointed out that as a matter of fact on 27.11.81 the sanction was granted by the Senior Superintendent Telegraph Traffic Bareilly for employment of contingent

sweeper and it was specifically mentioned in the said sanction order that appointment of such part time would be purely temporary and the applicant was allowed full time sweeping work as casual labour in addition to his sweeping work. The said arrangement continued till 30.6.90 due to shortage of staff in sweeping cadre in Telegraph Office Buland Shahar the sanctioned strength of these staff was reduced. One telegraphman was retired and in his place, the applicant, in addition to sweeping work of four hours more on the post of telegraph man was asked to work 4 hours more on the post of telegraphman. Since the strength was reduced and three persons were already working on the said post and as such obviously the applicant was asked to perform the part time job of sweeping as in before. It has been stated that in view of the circular dated 3.12.88 the copy of which has been placed on record that a part time labour who has ~~been~~ completed 7 years service on or before 31.3.87 were to be regularised and as the applicant has not completed 7 years service on that date because he was engaged as a part time casual labour in 1982 as such he could not be regularised. The factual position is thus quite clear and it appears that the applicant was appointed as a part time Safai Wala and later on he was asked to perform the regular duty and in view of the letter he has again engaged as part time Safai Wala but he has not been working as 4 hours per day with the result he continued to be in service in some other capacity obviously in the year 1987. The applicant has not completed 7 years regular service but in view of the fact that the applicant is continuing as a part time worker, the applicant cannot claim

the right in general in the matter of appointment. Accordingly the respondents are directed to consider the case of the applicant for regular appointment as and when the vacancy is available and the preference will be given to the applicant. As the applicant has offered to accept post<sup>ing</sup> at Buland Shahar or elsewhere also in case for appointment to such post elsewhere the applicant may also be considered in view of the fact that he has been working in the department for the last so many years. If any person who was initially appointed as a part time worker was rather junior to the applicant has been given to such benefit shall also be given to the applicant. With these directions the application is disposed of finally.

5. No order as to the costs.



V.C.

Dated: Allahabad  
29th Sept., 1992

(AR)