

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 327 of 1994

Allahabad this the 11th day of October, 2000

Hon'ble Mr.S.K.I. Naqvi, Member (J)

Ajai Kumar, Contingent Paid Waterman, Head
Post Office, Allahabad Kutchery, Allahabad-
211002.

Applicant

By Advocate Shri K.P. Srivastava

Versus

1. Union of India through Secretary, Comm-
unication(P), Government of India, New
Delhi.
2. Senior Superintendent of Post Offices,
Allahabad.
3. The Postmaster General, Allahabad Region,
Allahabad.

Respondents

By Advocate Shri C.S. Singh

O R D E R (Oral)

By Hon'ble Mr. S.K.I. Naqvi, Member (J)

Shri Ajai Kumar, Contingent paid
Waterman in the respondents establishment has
come up before the Tribunal seeking relief to
the effect that the respondents be directed to
absorb the applicant into regular establishment

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as Group 'D' Non/Test category being eligible in all respect and also to regularise the services of the applicant w.e.f. 04.11.1983 with consequential benefit as provided to similarly situated employees through judgment in O.A.No.1070 of 1987 dated 27.5.1992. The applicant has come up on the strength of the facts that he was appointed as contingent paid Group 'D' Non-Test category full time Waterman in Allahabad Kutchery Post Office w.e.f. 11.4.83 by the respondents on daily rated monthly payment. He was granted temporary status w.e.f. 29.11.1989. The applicant moved for regularisation of his service vide representation dated 10.5.1993 and 05.11.93 for being absorbed into regular establishment as Group 'D' in view of provision contained in Rule No.154(a) of the Manual Pay and Allowances of the Officers in P & T Deptt. and Rule 32(iii) of Chapter I regarding appointment and Promotion General Rules of the P & T Manual Vol.IV and also orders of D.G.(P) issued from time to time and also on the strength of benefit provided under order of the Hon'ble Tribunal in Basudeo Vs. Union of India and Other. When the grievance of the applicant was not redressed by the authorities in department, he has come up before the Tribunal seeking relief as mentioned above.

2. The respondents have contested the case with very simple pleading that the case of

Let a writ be issued

For

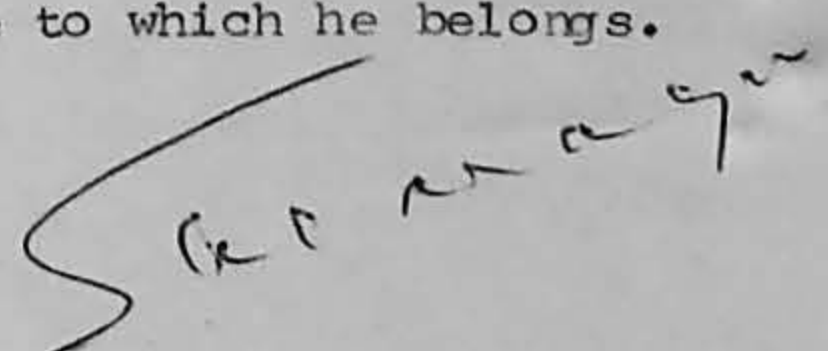
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the applicant will be considered for regularisation at his turn and also that no junior or subsequently appointed employee in the category, has been given any benefit of regularisation in supersession to the claim of the applicant.

3. Heard, the learned counsel for the parties and perused the record.

4. It is a matter in which there is no dispute among the contesting parties on the facts of the case. The applicant claims that he be regularised w.e.f. 04.11.1983 ~~since~~ i.e. the date of his initial appointment whereas the respondents ^{have} given a caution that he can only be regularised at his turn on occurrence of vacancy.

5. For the above, I find no case is made out to command the respondents to regularise the services of the applicant ignoring the position of his turn and vacancy in the cadre. However, the O.A. is disposed of with the observation that the applicant be considered for regularisation of his services when he becomes eligible to the same in view of length of his service and position of his seniority in the cadre to which he belongs. No order as to costs.


Member (J)

/M.M./