

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.152 OF 2003
ALLAHABAD THIS THE 22ND DAY OF SEPTEMBER, 2004

HON'BLE MRS. MEERA CHHIBBER, MEMBER-3

1. Neeraj Kumar S/o Vishwanath Vishwakarma,
R/o Village Sahroj District-Mau.
 2. Amarjeet Singh, S/o Sri Markandey Singh,
R/o Village and Post Office Nagpur, Ballia.
 3. Rajeev Rai son of Sri Chhabila Rai,
R/o Village and Post Office Pali,
District Ghazipur.
 4. Krishnanandan Rai S/o Sri Bhagwan Rai,
R/o Village and Post Office Katheura,
District-Ballia.
 5. Rajesh Singh S/o Ram Autar Singh,
R/o Village Pillakhi, Post Office-
Maldarpur District-Mau.
 6. Prem Prakash S/o Sri Ravindra Nath Chaubey,
R/o Andhyari Bagh South, Post Office-
Gorakhnath District-Gorakhpur.
- Applicants
- (By Advocate Shri M.D. Mishra)

Versus

1. Union of India
through Secretary,
Ministry of Communication,
New Delhi.
 2. Post Master General,
Gorakhpur Region,
Gorakhpur.
 3. Senior Superintendent,
Railway Mail Service,
(G) Division, Gorakhpur.
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4. Inspector, Railway Mail Service(G)-I,
Sub Division Mau.
5. Inspector, Railway Mail Service,
G- II Sub Division, Gonda.
6. Sub Record Officer, Railway Mail Service,
Azamgarh.
7. Sub Record Officer, Railway Mail Service,
Sitapur.
8. Sub Record Officer, Railway Mail Service,
Kheri.
9. Sub Record Officer, Railway Mail Service,
Pilibhit.
10. Sub Record Officer, Railway Mail Service,
Ballia.
11. Sub Record Officer, Railway Mail Service,
Mau.

. Respondents

(By Advocate Sri Rajeev Sharma)

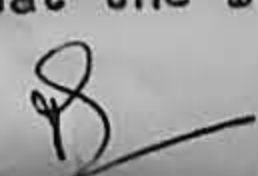
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By this O.A., six applicants had initially filed this O.A. seeking quashing of the orders dated 20.04.2000 and 30.12.2002 whereby the request for regularisation was rejected and applicants were dis-engaged with immediate effect. They had further sought a direction to regularise the services of the applicants since the date of their appointment and to pay their salary according to the revised rates. They had also prayed that respondents be directed to prepare the seniority list in accordance with law so that the regularisation of services of the applicants be made accordingly.



2. Today when the case was called out, counsel for the applicant stated categorically that he is not pressing ~~for~~ the relief of temporary status or regularisation and he is giving up the said relief(s). It is submitted by the counsel for the applicant that the only relief which they are claiming now is, that they should be retained in the same capacity as they were working earlier till the said posts are filled up in regular manner.

3. The brief facts, stated by the applicants are that they were appointed as Water-man-cum-Farrash as part time at different places on different dates which are mentioned in para 4(a) ^h and 4(g) of the O.A. Most of the applicants were engaged either in the year 1998 or 1999 except applicant no.2 Shri Amarjeet Singh who was appointed on 24.03.1995. It is stated by the applicant that they were working continuously on the said post and nature of the work which was performed by them is perinal in nature and cannot be stopped abruptly, which is further evident from the letter dated 01.05.2000 itself, written by the Senior Superintendent of Post Offices to the PMG Gorakhpur wherein it was specifically stated that the posts of Waterman-cum-Farrash at Sitapur, Kheri, Pilibhit, Azamgarh, Ballia Basti, Gonda, Gazipur and Mau are related to Safaiwala, Cooking and Waterman which are absolutely necessary and important. It is in the interest of employees as well as in the proper functioning of the department that these posts should be continued. Perusal of this letter shows that the work was very much availab.



and was required also by the department themselves, therefore, so long the work was available and regular appointments were not yet made, I find no justification ^{& why} ~~by~~ the services of the applicants should have been dis-engaged.

4. Counsel for the respondents submitted that in order to stop these back door entries department is ~~proposing~~ to fill up the posts on a regular basis in accordance with the rules. Though there is no such averment in the counter affidavit but even if the argument made by the counsel for the respondents is taken to be true, then also it goes without saying, till the process of making regular appointments is completed, respondents would be requiring some persons to carry out the work of Waterman-cum-Farrash at the places as mentioned above.

5. Now that applicants have already given up their claim for grant of temporary status or regularisation, I do feel that till the posts are filled up on regular basis in accordance with law, the respondents shall allow the applicants to work on the same positions as they were ^{ill regular appointments are made. &} working earlier temporarily. It is made clear that none of the applicants would be entitled to any backwages nor ^{this will &} ~~be~~-entitled them to claim any benefits at the time of regular appointment which are to be made by the respondents in accordance with law. Of course, if applicants apply for the said post they would also be considered, provided they fulfil the requirements stipulated by the department.

6. With the above directions, this O.A. is disposed off with no order as to costs.