

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

original Application No. 642 of 2003

Allahabad this the 04th day of June, 2003

Hon'ble Maj Gen K.K. Srivastava, Member (A)  
HON'ble Mr.A.K. Bhatnagar, Member (J)

Panna Lal S/o Late Moti Lal, R/o 26 A, Circular  
Road, Allahabad.

Applicant

By Advocate Shri S.K. Om

Versus

1. Union of India through Secretary, Ministry of Communication, Govt. of India, New Delhi.
2. Post Master General, Allahabad Region, U.P. Circle, Allahabad.
3. Senior Superintendent of Post Offices, Allahabad.

Respondents

By Advocate Shri G.R. Gupta

O R D E R ( Oral )

By Hon'ble Maj Gen K.K. Srivastava, Member (A)

In this O.A. filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for direction to the respondents to regularise the services of the applicant as Waterman and also not to change his category from Waterman to Bungalow Peon.

2. The facts of the case, in short, are that the applicant was appointed as Waterman on

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casual basis vide order dated 26.04.79. By order dated 12.04.1991 the applicant was granted temporary status w.e.f. 29.11.1989. The applicant filed a representation before the respondents on 30.08.2000 for regularisation. The applicant made another representation on 06.03.2003 reiterating his request dated 30.08.2000 for regularisation as well as no change in category. The respondents have not taken any decision so far. Hence, this O.A.

3. Heard Shri S.K. Om, learned counsel for the applicant and Shri G.R. Gupta, learned counsel for the respondents and perused the record.

4. The case of the applicant is that he has rendered more than 24 years continuous service and also granted temporary status, though his juniors have been regularised as Group 'D' but, the claim of the applicant has been ignored by the respondents. Learned counsel for the applicant has also stated that applicant's category ~~has been~~ <sup>is being</sup> changed from time to time on oral orders, which is not correct. Now the applicant is being directed to work as Bungalow Peon though no such post exists in the Department of Posts.

5. In our considered opinion the case of the applicant for regularisation appears to be genuine and, therefore, in the interest of justice a direction is required to be issued to the respondents that in case any junior to the applicant has been regularised, his claim cannot be ignored. As regards change of category

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we consider it appropriate to issue a direction to the respondents that if the work from the applicant is to be taken <sup>by trade</sup> that of other than Waterman, he should be given written orders.

6. In view of aforesaid, we dispose of this O.A. at the admission stage itself with direction to the respondent no.2 to decide the representations of the applicant dated 30.08.2000 and 06.03.2003 (annexures-4 and 5) with regard to regularisation of the applicant and change of category, by a reasoned and speaking order within a period of 2 months from the date of communication of this order. No order as to costs.

  
Member (J)

  
Member (A)

/M.M./