

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH**

O.A. No. 435 of 1993

Date of decision : 25.09.2000

Mr. Vasant Rao Anant Rao Hande : Petitioner [s]

Mr. P. K. Handa : Advocate for the petitioner [s]

Versus

Union of India & Ors. : Respondent [s]

Ms. P. B. Sheth : Advocate for the Respondent [s]

CORAM :

THE HON'BLE MR. A. S. SANGHAVI : **MEMBER (J)**

THE HON'BLE MR. G.C. SRIVASTAVA : **MEMBER (A)**

JUDGMENT

1. Whether Reporters of Local papers may be allowed to see the judgment? ~
2. To be referred to the Reporter or not ? ~
3. Whether their Lordships wish to see the fair copy of the judgment ? ~
4. Whether it needs to be circulated to other Benches of the Tribunal ? ~

Vasantrao Anantrao Hande,
Working as Part time Plumber,
In the office of Post Master
General, Vadodara Region,
Vadodara.

= Applicant =

Advocate : Mr. P. K. Handa

Versus

1. Union of India, owning & represented
By Director General,
Ministry of Communications,
Department of Posts, Dak Bhavan,
Sansad Marg, New Delhi.
2. Post Master General,
Vadodara Region, Vadodara.
3. Director, Postal Services,
Vadodara Region, Vadodara.

= Respondents =

Advocate : Ms. P.B. Sheth

JUDGMENT
O.A 435 of 1993

Date : 25/09/2000

Per Hon'ble Shri. A.S. Sanghavi : Member (J).

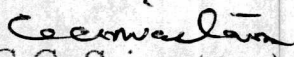
The applicant who is working as a part-time plumber has moved this O.A for regularisation in the services in the Group D post. Relying on the office memorandum No.49014/4/90 dated 8.4.91 Annexure A/6, the applicant has contended that the government has issued necessary guidelines for regularisation of service of the casual employees and he is entitled to the benefit of the office memorandum no. 45/95/87-SPB.I dated


12.4.91 which also covers the part-time employees and provides for a scheme for granting of temporary status and regularisation. It is also contended by the applicant that the directions issued by the Director General of Postal services based on the Judgment of the Hon'ble Supreme Court are also not followed by the respondents. In the letter dated 17.5.89, issued by the Ministry of Communication, it is provided that the casual labourer (fulltime or part-time) for the purpose of computation of eligible service, the service put up by part-time casual labourers should be taken into account. In view of this letter, his service also in the same manner ought to have been computed for the grant of temporary status which is one step higher than the recruitment. According to the applicant, he has been working as a part-time plumber in the office of the Postmaster General Vadodara since more than seven-eight years and though he had made representation for regularisation in the service, the same has been rejected by the respondents on flimsy grounds.

2. Mr. Handa, learned advocate appearing for the applicant while submitting that the services of the applicant should be made fulltime has referred to a copy of the letter dated 16.9.92 of the Ministry of Communication, para 2 of which reads as under:-

"2. The matter has been examined and I am directed to say that if part-time casual labourers are working for five hours or more, it may be examined whether they can be made fulltime by readjustment or combination of duties. It is however, reiterated that there should be no engagement of fresh casual labourers."

3. In the light of the above instructions from Ministry of Communication, Mr. Handa now submits that respondents may be directed to examine the case of the applicant and be treated as fulltime casual labourer. He may also be given all the benefits of the scheme as a fulltime casual labour. Ms. Sheth submits that any such order can be given only a prospective effect.
4. After discussion at the Bar, We consider that the O.A may be disposed of with a direction to the respondents to examine the case of the applicant in terms of instructions of the Ministry of Communication letter dated 16.9.92 as to whether the applicant can be made fulltime casual labour. If the department makes the applicant a fulltime casual labour, he may be given all the benefits of the scheme from the date of such order. This exercise may be completed within two months from the date of receipt of a copy of this order.
5. The O.A is disposed of with the above directions. No costs.


(G.C. Srivastava)
Member (A)


(A.S. Sanghavi)
Member (J)

Mb

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VERSUS

RESPONDENT (s)

I N D E X - S H E E T

Certified that the file is complete in all respects.

Signature of S.O. (J)

Signature of Dealing Hand.