

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH**

OA/442/93

Date of Decision: 16.06.2000

Smt. Sushilaben K. Solanki : 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

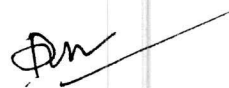
The Hon'ble Mr. P. C. KANNAN : MEMBER (J)

The Hon'ble Mr. M.P.SINGH : 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?

ND.



Smt. Sushilaben K. Solanki
Working as Part time Sweeper in
The office of the Post Master General,
Vadodara Region, Vadodara.

= Applicant =

Advocate : Mr. P. K. Handa

Versus

1. Union of India, owning & represented
By Director General, Ministry of
Communication, 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

ORAL ORDER
O.A 442 of 1993

Date : 16.06.2000

Per Hon'ble Shri. P. C. Kannan : Member (J).

Heard Mr. P. K. Handa, learned counsel for the applicant and Ms. Sheth, counsel for the respondents. The applicant a part-time casual labour has earlier filed O.A no. 133 of 93 for regularisation of service on a full time basis in grade-D cadre.

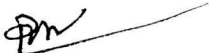
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DS

This O.A was disposed of by order dated 24.03.93 with a direction to the respondents to consider the representation of the applicant within a period of two months from the date of the Judgment. Accordingly, the respondents considered the representation of the applicant by a speaking order dated 11.05.93 as shown in Annexure 'A' and rejected the claim of the applicant for regularisation of her service in grade-D post. The applicant has now filed the present O.A and sought for the following prayer :-

"(a) In view of the facts mentioned in para 4 above, the applicant prays to the Hon'ble Tribunal to direct the respondents to regularise the service of the applicant in Group D post as she has fulfilled all the conditions as stipulated by the Ministry of Communication as shown in Annexure A/1 to A/7 with all the attendant benefits which are being given to the regular employees."

2. Ms. Sheth, counsel for the respondents submits that after the decision of the Supreme Court in the case of UOI V/s. Janak Dahi Paswan dated Oct, 24 1997 and in the case of Secretary, Ministry of Communication and Ors. Vs. Sakubai by Judgment dated April, 2 1997, the department issued certain instructions with regard to certain benefits that may be granted to the part-time casual labour, and states that in the light of these instructions, while part time casual labour may not be eligible for the grant of temporary status, they may be entitled to certain other benefits. In the facts and circumstances, she



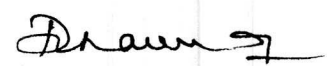
submits that the service of the applicant cannot be regularised in the absence of regular vacancies in the grade-D post in terms of the prayer in the O.A. However, the department has no objection to extend whatever benefits that are available to the part-time casual labour in accordance with the scheme of the department.

3. In the light of the above, we direct the respondents to extend the benefits to the applicant that may be available to part-time casual labour. If the applicant makes any representation in this regard, the respondents shall consider the same in accordance with the scheme applicable to the part-time casual labour and intimate the decision of the department to the applicant within a period of two months from the date of receipt of such representation.

4. With the above direction, the O.A is finally disposed of.
No costs.


(M. P. Singh)
Member (A)

Mb


(P. C. Kannan)
Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, AHMEDABAD BENCH

CA/TA/RA/CP/ 442/93 of 200

Mr. Gurshilaben K. Solanki APPLICANT(S)

VERSUS

4-0 5-2

RESPONDENT (S)

I N D E X - S H E E T

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Certified that the file is complete in all respects.

PUH 92

Signature of S.O. (J)

Signature of Dealing Hand.