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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 431 OF 1988.

Date of decision: 17th May, 1990.

Radhakanta Das, S/o. Late Upendranath Das,
aged about 26 years, Village: Deshbandha,
P.O: Taradasole, Via-Kusalda, Mayurbhanj.
Working as Casual Labourer for escorting Mails
Baripada-Mantri Line under S.D.I (P) Baripada,
West Sub-Division, Baripada-757001.

... . Applicant

-Versus-

1. Union of India, represented by the
Secretary Department of Posts, New Delhi-1.
2. Postmaster General, Orissa Circle,
At/PO: Bhubaneswar, Dist-Puri.
3. Superintendent of Post Offices,
Mayurbhanj Division, Baripada-757001.
4. Sub-Divisional Inspector (Postal)
West Sub-Division, Baripada-1.

.... Respondents.

For the applicant : M/s S.L.Patnaik, S.C. Parija
and O.N. Ghosh, Advocate

For the Respondents : Mr. T. Dalai, Additional
Standing Counsel (Central)

C O R A M:

THE HON'BLE MR. R. BALASUBRAMANIAN, MEMBER (ADMN.)

A N D

THE HON'BLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed
to see the judgment? Yes.
 2. To be referred to the Reporters or not ? No
 3. Whether Their Lordships wish to see the fair copy
of the judgment ? Yes.
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J U D G M E N T

R.BALASUBRAMANIAN, MEMBER (ADMN.)

This application has been filed under section 19 of the Administrative Tribunals Act, 1985 by Shri Radhakanta Das against the Union of India and three others.

2. According to the applicant he was first appointed as E.D. Packer-Cum-Mail Peon, Belgadia Sub Post Office on 1.10.1983 and continued till 30.4.1985 and thereafter worked as Casual Labourer, in escorting Mails from Baripada to Amarda line. Subsequently he had been employed as a Casual labourer in different spells. Since the last spell he has been continuing as a Casual labourer by an interim order of this Tribunal.

3. The applicant claims that in terms of Director General of Posts, ^{order} dated 19.2.1988 he is eligible for regularisation in Group 'D' Posts. He also ^{Pr} claims prorata payment in terms of Director General, Posts letter dated 10.2.1988 instead of the daily wage of Rs.12/- that he has been getting.

4. The applicant has prayed for directions to the respondents

- (a) ^{him} to absorb on regular basis.
- (b) that he be paid arrears on prorata basis.

5. The Respondents have opposed the prayer. It is their case, ^{that} he had never worked for more than

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240 days ^{per} ~~for~~ a year in any two years, of his service in the Department of Posts. His service between 1.4.1984 to 30.4.1985 was as a substitute in place of Shri Abdul Zahid Ray. During this period he had worked on the responsibility and security executed by Shri Abdul Zahid Ray. It is the case of Respondents that the service as substitute worker does not entitle the applicant to be considered for regularisation.

6. They have also opposed ~~for~~ payment on prorata basis on the ground that he was engaged just to escort the Mails in private buses and not employed as a Casual labourer against any sanctioned post.

7. We have heard the learned counsel for the applicant and the Respondents.

8. Taking up the first question, namely, regularisation, the applicant had worked only as a substitute for Mr. A.Z.Ray. There is no provision in the Rules for counting this service for the purpose of regularisation. This substitute service does not count for regularisation. However, the service which ~~was~~ rendered as Casual labourer brings him within the scope for regularisation. The service he has rendered as a Casual labourer other than as a Substitute E.D. ^{Worker} ~~Labourer~~ must count for regularisation. We therefore, direct the respondents to examine his eligibility for regularisation

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taking into account the service rendered by him as a Casual workers (other than ^{as} the substitute of E.D. Worker).

9. The next question is the rate of payment. When the applicant is employed as a Casual labourer, either full time or part time, in terms of Director General Posts Circular dated 10.2.1988 (Annexure-5) the applicant is entitled to prorata payment with effect from 5.2.1986. Therefore, for the period he had rendered service as a Casual labourer beyond 5.2.1986, the applicant is eligible for prorata payment.

10. The application is disposed of with the directions given in paras 8 and 9 above. The arrears due to him may be paid within three months from the date of receipt a copy of the judgment. We also direct the respondents that in case there is work he may be continued as a casual labourer.

11. There is no order as to costs.

Mr. E. S. S. S. S.
17/5/90
.....
MEMBER (JUDICIAL)

V. Balasubramanian
17/5/90
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MEMBER (ADMINISTRATIVE)

