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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A. No.92 of 1989.

Date of Decision - 22nd August, 1989.

Chaitanya Charan Mahapatra,
son of Gopinath Mahapatra,
At present working as Dresser,
P. & T. Dispensary, Cuttack,
15, Contonment Road,
Town and District-Cuttack.

.... Applicant

Versus.

1. Union of India represented by its
Secretary, Department of Posts,
Dak Bhavan, New Delhi.
2. Postmaster General, Orissa Circle,
At, P.O. Bhubaneswar, Dist- Puri.
3. Assistant Superintendent of Post Offices,
Cuttack East Sub-Division, At, P.O. and
District- Cuttack.
4. Medical Officer, P. & T. Dispensary,
15 Contonment Road, Cuttack,
Town and District-Cuttack.

... Respondents

M/s. Deepak Misra, R.N. Naik, A. Deo
and B.S. Tripathy.

... For Applicant

Mr. Ganeswar Rath, Senior
Standing Counsel (Central)

... For Respondents.

C O R A M :

THE HONOURABLE MR. B.R. PATEL, VICE-CHAIRMAN

A N D

THE HONOURABLE MR. N. SEN GUPTA, MEMBER (JUDICIAL)

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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.

B.R. PATEL, VICE-CHAIRMAN.

In this application filed under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for a direction to be issued to the respondents to regularise his services.

2. Briefly stated, the facts of the case are that the applicant was appointed as a Dresser in the Post and Telegraph Department Dispensary at Cuttack on casual basis on 1.10.85 and he has been continuing as such from that date.

3. The respondents have contended in their counter that the applicant is not entitled to the relief sought as his case was not sponsored by the Employment Exchange and he has not yet completed the required period of work as a casual worker.

4. We have heard the learned counsel for the applicant and Mr. Ganeswar Rath, learned Senior Standing Counsel for the Central Government and perused the papers. The learned counsel for the applicant has drawn our attention to the judgment of the Supreme Court in the case of Surinder Singh and another v. The Engineer-in-chief, C.P.W.D. and others reported in AIR 1986 SC 584, in which the Court has observed as follows :

" We also record our regret that many employees are kept in service on a temporary daily-wage basis without their services being regularised. We hope that the Government will take appropriate action to regularise the services of all those who have been in continuous employment for more than six months."

He has also referred to the letter No.2-10/88/PE-I dated 19.2.88 issued by the Director General (P). The relevant portion of this letter reads as follows:



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" According to the judgment in question, the Deptt. has to prepare a scheme on a rational basis as far as possible, for absorbing the Casual Labourers who have been continuously working for more than one year in the Department."

These instructions were issued by the Director General, Posts keeping in view the observations of the Hon'ble Supreme Court in their judgment referred to above.

5. In view of the clear instructions on the subject issued by the Director General, Posts, we direct the respondents to prepare a scheme if it has not yet been done and include the applicant in the scheme for regularisation of his service as he has been working for more than six months continuously.

6. The application is accordingly disposed of, leaving the parties to bear their own costs.



[Signature] 22.8.89
.....
Vice-Chairman.

N. SEN GUPTA, MEMBER (JUDICIAL) .

I agree.

[Signature] 22.8.89
.....
Member (Judicial) .

Central Administrative Tribunal,
Cuttack Bench, Cuttack,
The 22nd August, 1989/ Jena, SPA.