

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 147 of 1991

Date of Decision 28. 4.1992

Sk.Jainul Abedin Applicant

Versus

Union of India & Others Respondents

For the applicant Mrs. Devanand Mishra
Deepak Mishra,
R.N.Naik, A.Deo,
B.S.Tripathy,
P.Panda, Advocates

For the respondents Mr. A.K.Mishra,
Standing Counsel
(Central Government)

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C O R A M

HON'BLE MR.K.P.ACHARYA, VICE-CHAIRMAN

AND

HON'BLE MR.C.S.PANDEY, MEMBER(ADMINISTRATIVE)

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1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? *Ans*
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes

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JUDGMENT

MR .K.P.ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act,1985, the petitioner prays for a direction to the opposite parties to regularise the service of the petitioner.

2. Shortly stated the case of the petitioner is that he is working on casual basis as Grade-D Employee under OP Nos.3 and 4 since 1982 till to-day. The grievance of the petitioner is that his services have not been regularised. No counter has been filed in this case though liberty was given to the opposite parties to file counter, since 20.5.1991. Mr.A.K.Mishra, learned Standing Counsel prayed for an adjournment to file counter. We refused to grant any further adjournment because there was no response from the postal department and the facts being very simple in nature we did not think it worthwhile to grant any further adjournment. In paragraph 4 (c) of the petition the petitioner has stated in detail the number of days worked by him in the years 1982,1983,1984,1985,1986,1987, 1988,1989 and 1990 which has not been counteracted by the opposite parties. It is found from paragraph-4 (c) that the petitioner has worked for 257 days in the year 1983 and so far as other years are concerned, the petitioner does not say that he has worked for 240 days in any of those years. Therefore following the guidelines laid down by Their Lordships in the case of **Surinder Singh and Dak Tar Mazdoor Unions vs. Union of India and others** reported in AIR 1986 SC 584, AIR 1987 SC 2342, AIR 1988 SC 519, we would direct that the opposite parties should calculate the total number of days of service rendered

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by the petitioner two years prior to consideration of his case for regular appointment along with other casual employees similarly circumstanced and after adjudicating the suitability of the different casual labourers, the suitable persons should be appointed against vacant post in existence. In Misc. application No. 96 of '92, the petitioner submits that vacant posts are in existence in the Industrial Estate Post Office, Nayabazar Post Office and Manglabag Post Office. If the statement is true and correct, then the competent authority should consider regularisation of the services of the petitioner in any of these three posts subject to the suitability being found in respect of the petitioner. Thus the application is accordingly disposed of leaving the parties to bear their own costs.

G. S. Sahoo
MEMBER (ADMINISTRATIVE)

K. S. Sahoo
28/4/92
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench, Cuttack
dated the 28th April, 1992 /Sahoo

