

10 11
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

Original Application No.94 of 1994.

Date of decision : December 5, 1994.

Md.Jalal Baig ...
and another

Applicants.

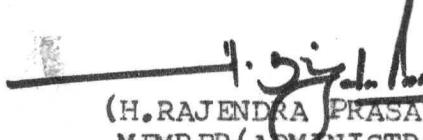
Versus

Union of India and others ...

Respondents.

(FOR INSTRUCTIONS)

1. Whether it be referred to the Reporters or not ?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ?


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

05 DEC 94.


(D.P. HIREMATH)
VICE-CHAIRMAN.

12

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

Original Application No.94 of 1994.

Date of decision : December 5, 1994.

CORAM:

THE HON'BLE MR.JUSTICE D.P.HIREMATH, VICE-CHAIRMAN

A N D

THE HON'BLE MR.H.RAJENDRA PRASAD, MEMBER (ADMN.)

...

1. Md.Jalal Baig, aged about 24 years,
son of late Meheboob Baig, 1st.Military
Line,Berhampur, District- Ganjam.
2. Simanchal Panigrahi, aged about 24 years,
son of Sri Trinath Panigrahi, of vill-Palasi,
P.O.Goudala, Dist-Ganjam.

... Applicants.

By Advocates ... M/s.Arun Kr.Misra-2,
S.K.Misra, S.Latif,
Sk.Q.Mahamad,

Versus

1. Union of India, represented by its
Secretary Department of Posts Dak Bhawan,
New Delhi.
2. Chief Post Master General,Bhubaneswar,
District-Khurda.
3. Post Master General,Berhampur Region,
Berhampur, District-Ganjam.
4. Superintendent of Railway Mail Service,
At-Berhampur, District-Ganjam.
5. Head Record Officer, R.M.S.,B.G.Dn.,
Berhampur, District-Ganjam.

... Respondents.

By Advocate ...

Mr.Akhyay Kr.Misra,
Addl. Standing Counsel(Central)

...

ORDER

D.P.HIREMATH, V.C., Heard for admission. Admitted and heard on merits as well with the consent of both the learned counsel.

2. These two applicants have prayed for regularisation of their services as they have worked in the Railway Mail Service for more than 240 days in two consecutive years each. They were appointed as E.D. substitute and part-time casual labourers as and when required by the Respondent No.5 since 1989 and they have discharged their duties whenever they were required to do. This is their simple case. This application came to be filed in the year 1994 on the basis of they working as casual workers for the minimum period prescribed.

3. The respondents in their counter disputed this claim of the petitioners and contended that both of them had not worked as claimed by them.

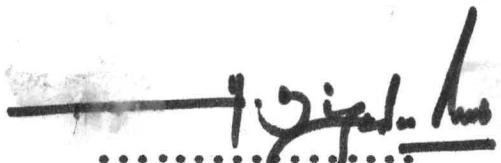
5. During arguments learned counsel for the respondents made available a chart containing the number of days on which they worked and it shows that in the year 1990 the applicant no.1 worked for 274 days and in 1991, 257 days and again 242 days in the year 1992. This calculation is based on the Registers that he was able to secure today for the Department. As far as applicant No.1 is concerned he fairly admits that he has a case to be considered as he has worked for more number of days than the minimum required to regularise his services. As far as applicant No.2 is concerned, the chart that he has produced does not reflect the correct position. In 1991

he has worked for 270 days and in the year 1992 he has worked 219 days. However, Shri S.S.Das, appearing for the applicants invited our attention to his own sheets of attendance maintained in which it is shown that the applicant No.2 has worked in the month of September, 1992 for 30 days which takes the number of days worked to more than 240 days. Unfortunately, it is squarely admitted that no Attendance Register as such is maintained in the manner that is required to be maintained to record the attendance of each of the workmen on the day he worked. We were only left with the Cash Register and the consolidated pay bills which show payments made to each of the workmen. However, Mr.A.K.Misra was very fair enough to point out to us from the Cash Register which shows that even for the month of September, 1992 the applicant no.2 was paid for the number of days he has worked. This confusion could have been avoided only if regular Attendance Register is maintained. We hereby impress upon the Respondents with necessity of maintaining regular Attendance Register so that the applicants whenever necessary and the Tribunal, when the document is given to cross-check the number of days that a particular workman has worked, would have been in a position to see the correct position otherwise it may cause cause hardship and prejudice to the workmen who have actually worked as happened in the instant case and but for the vigilance exercised by the workmen who has maintained his own chart showing the number of days that he has worked, it could not have been possible for us to know the number of days that he has worked in the month of September, 1992. We hereby direct the respondents to maintain regular Attendance Registers to show the attendance

15-

of each of the workmen everyday in the position they work. As far as the present applicants are concerned, we have no hesitation in finding that they have worked in two consecutive years for more than 240 days and hence their services are to be regularised. Accordingly, we allow this application and direct the respondents to regularise their services in the vacancies existing or if there are no such vacancies, that may ~~exist~~ ^{exist} keeping in view the seniority in the waiting list.

No order as to costs.


 (H. RAJENDRA PRASAD)
 MEMBER (ADMINISTRATIVE)

05 DEC 94


 (D.P. HIREMATH)
 VICE-CHAIRMAN.

Sarangi.