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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.24 of 1995
Cuttack, this the 15th day of July, 1997

Pravat Kumar Chhotrai Applicant.

Vrs.

Union of India and others Respondents.

FOR INSTRUCTIONS.

1. Whether it be referred to the Reporters of not? *Yes*.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? *No*.

Somnath Som
(SOMNATH SOM) *15.7.97*
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

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ORIGINAL APPLICATION NO. 24 OF 1995
Cuttack, this the 15th day of July, 1997

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HONOURABLE SRI SOMNATH SOM, VICE-CHAIRMAN

Vrs.

1. Union of India, represented by its Secretary, Department of Posts, Dak Bhawan, New Delhi.
2. Chief Post Master General, Orissa Circle, At/PO-Bhubaneswar, District-Khurda.
3. Manager, Postal Printing Press, At/PO-Bhubaneswar 751 010, District-Khurda ... Respondents.

Advocates for applicant - M/s A.Deo,
B.S.Tripathy,
P.Panda &
M.P.J.Roy.

Advocate for respondents - Mr.Ashok Misra,
Sr.Panel Counsel.

O R D E R

In this application, the petitioner has prayed for regularising his services in the post of Pump Operator or any other equivalent post under the respondents.

2. Facts of this case, according to the applicant, are that he was appointed as a casual labourer to work as a Pump Operator in the Postal Printing Press in order dated 15.1.1993 (Annexure-1) for a period of one month. His engagement was extended from time to time till August, 1993 after which he was disengaged. After August, 1993 he was again engaged for a period 7 days from 2.3.1994 to 8.3.1994 and again for another 11 days from 7.4.1994 to 17.4.1994. According to him, prior to January, 1993 he had worked on casual basis as Wireman for 4 days from 27.4.1992 to 30.4.1992 and again for 3 days from 19.8.1992 to 21.8.1992 in the leave vacancy of B.K.Misra, Wireman and R.K.Panda, Electrician. Orders of such engagement are at Annexures 6 and 7. The applicant has prayed for regularisation on the ground that he has worked for 240 days as a casual worker.

*Sanctioned
15.7.97*

3. The respondents in their counter have pointed out that at Goda Gopinath Prasad, Postal Colony has been constructed. The Colony has its own sump, a pump house and overhead tank for each quarter. The pump operation work is done by a departmental Wireman. The respondents have stated that the applicant had been engaged on casual basis as Pump Operator on different

occasions for 201 days in the leave vacancy of the Wireman, but he has never worked for 240 days in a calendar year. The respondents have also stated in paragraph 14 of the counter that there is no such equivalent post for which the applicant can be considered. The applicant had filed Misc.Application No.458 of 1996 in which he had enclosed an employment notice published by Manager, Postal Printing Press, where applications were invited for two posts of Pump Operator, one in S.T.category and the other in unreserved category. Qualification for Pump Operator has been mentioned as Middle School pass or equivalent along with two years experience. It has also been stated that applications should reach the Manager, Postal Printing Press, Bhubaneswar, within fifteen days of the date of publication of the advertisement. This advertisement is at Annexure-9. The applicant had mentioned in MA No.458/96 that the advertisement has been published on 8.5.1996. In order dated 26.8.1996, disposing of this M.A., it has been noted that the petitioner had not applied for the post, but the last date is not over. Whatever the matter may be, a direction has been issued by the Tribunal on 26.8.1996 to consider the petitioner's application for the post of Pump Operator along with others if in the meantime the selection process is not over.

*Sanmathi Jom
15.7.97*

4. The prayer of the applicant for regularisation of his services has to be considered in the context of the above facts. I have heard the learned lawyer for the petitioner and Sri Ashok Misra, the learned Senior Panel Counsel appearing on behalf of the respondents and have also perused the records. It is clear from the documents given by the applicant that he has worked on casual basis as a Pump Operator or Electrician from time to time during the leave vacancy of the regular Wireman who discharges the duty of Pump Operator or during the leave of the Electrician. According to the averments of the petitioner himself, he has not completed 240 days of such casual engagement in any calendar year and therefore, his services cannot be regularised straightaway. Moreover, his casual engagement from time to time has not come through any process of selection. He has just been picked up from the open market and engaged as a casual labourer to work as Pump Operator. Therefore, on this ground, his claim for regularisation has also to be rejected.

5. In view of the above, the application stands rejected. There shall be no order as to costs.

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
15.7.97