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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 534 OF 1995.
Cuttack, this the 22nd of September, 2000.

Ajaya Kumar Biswal. Applicant.

Vrs.

Union of India & Others. Respondents.

FOR INSTRUCTIONS

1. whether it be referred to the reporters or not? Yes,
2. whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No.

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(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
22-9-2000

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 534 OF 1995
Cuttack, this the 22nd day of September, 2000.

CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDICIAL).

..

Ajaya Kumar Biswal, Aged about 34 years,
Son of Ratha Biswal at present residing
at Sailashree Enterprisers Industrial
Estate, Cuttack-10.

... Applicant.

By legal practitioner: M/s. A. Deo, B. S. Tripathy, M. P. J. Ray, F. Panda,
R. Rath, Advocates.

- versus -

1. Union of India represented by its
Secretary, Department of Posts,
Dak Bhawan, New Delhi.
2. Chief Postmaster General, Orissa Circle,
At/PO, Bhubaneswar, Dist. Khurda.
3. Senior Superintendent of Post Offices,
Cuttack City Division,
Cuttack-1.

... Respondents.

By legal practitioner: Mr. A. K. Bose, Senior Standing Counsel
(Central).

...

O R D E RMR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application, the applicant has prayed for a direction to the Respondents to regularise the services of the applicant in a Group D post caused on account of voluntary retirement of Purna Chandra Moharana in Madhupatna Sub post Office or in any other post office within a stipulated period.

2. We have heard learned counsel for the applicant and Mr. A. K. Bose, learned Senior Standing Counsel (Central) appearing for the Respondents and have also perused the records.

3. For the purpose of considering this Original Application it is not necessary to go into too many facts of this case. The admitted position is that the applicant has worked as night watchman in Madhupatna Sub post Office from 1.8.1987. Thereafter, according to the Respondents, he has worked as a part time contingent paid water carrier on monthly remuneration basis in Madhupatna Sub post Office. Applicant has stated that he has worked long years from 1987 and therefore, his services should be regularised.

4. Respondents in their counter have stated that beyond the first spell when he worked as nightwatchman for about one and half years, he has worked as contingent paid worker and as such his services can not be regularised. For regularisation in Gr. D post in the Postal Department, as per the circular of the DG of Posts, there is a scale of priority which has been printed at page-98 of Swami's compilation of ED Agents (1999 edition). In this, part time casual labourers/^{have been} placed at the lowest category after (1) non-test category; (2) ED employee; and (3) Casual labourers.

In the circular dated 6-6-1988, gist of which has been printed at the same page, DG posts have mentioned that because of the above prioritisation, & a large number of ED employees, casual labourers, full time or part time, hardly ever get any chance to get regularised against group D post. In consideration of that in the above circular it has been ordered that casual labourers whether full time or part time, who are willing to be appointed in ED vacancies, may be given preference in the matter of recruitment to ED posts provided they fulfill all the conditions and have put in the minimum service of one year i.e. 240 days in a year. It has been submitted by the learned Senior Standing Counsel that the status of the applicant is not even to that of a casual labour. He is only a contingent paid employee. But contingent nature of his employment relates only to the manner in which payment is made to him for his labour. Even such persons would be covered under the heading part time casual labourers.

5. In view of the above, the Original Application is disposed of with a direction to the Respondent No. 3 that in case the applicant applies for an ED post, under Res. No. 3 and within the last date of receipt of application and his application is complete in all respect and he is otherwise eligible to be considered for the post, then his case should be considered for appointment to such ED post alongwith others and he should be given preference in terms of the above circular of the Director General of Posts dated 6.6.1988.

6. In the result, with the observations and directions made above, the OA is disposed of. M.A. 555/2000 is also accordingly disposed of. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

KNM/CM.

Somnath Som
(SOMNATH SOM)
19/11/2000
VICE-CHAIRMAN