

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. No. 106 of 1996

Present : Hon'ble Mr. Justice A.K. Chatterjee, Vice-Chairman
Hon'ble Mr. M.S. Mukherjee, Administrative Member

PASHUPATI KARAK

-vs-

UNION OF INDIA & ORS.

For applicant : Mr. M. Jana, counsel

For respondents : Mr. S. P. Kar, counsel

Heard on : 27.8.1996

Order on : 1.10.96

O R D E R

A.K. Chatterjee, VC

The petitioner, who has passed Class-VIII examination, had worked as temporary casual worker in Baradangal Sub-Post Office and also as Pankha Puller on temporary basis for six months from 1st April to 30th September every year for the years 1991, 1992 and 1993, but his services as such was terminated thereafter due to electrification of the said Post Office. He has made repeated representations for his absorption in any post in Baradangal Post Office or any other nearby Post Office and contends that a post of Night Guard is lying vacant in the aforesaid Post Office since 1983. However, as no favourable action was taken on the representation, he has made the instant application, described by him as a mercy petition for a direction upon the respondents to absorb him in the vacant post of Night Guard or in any other post.

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2. The respondents in their counter contend that the applicant was only engaged against sanction of temporary establishment of contingent Pankha Puller on casual basis for six months for the years 1991, 1992 and 1993 and that no post of Night Guard is lying vacant and indeed, there is no sanction for such a post. It has been contended that the petitioner's absorption is not permitted under the rules as a parttime casual labourer in an Extra-Departmental Post Office, like the petitioner can be absorbed only on completion of 240 days of continuous work in a year, while the petitioner has never worked continuously for more than 183 days in a year.

3. We have heard the Ld. Counsel for both the parties and perused the records before us. The petitioner's contention that even before working as Pankha Puller, he was engaged as a temporary casual worker for several years till 1990, has been denied by the respondents and there is nothing before us to lend support to this part of his case. The rest of his case namely that he was engaged as a Pankha Puller from the 1st April till 30th September, every year for three years namely 1991, 1992 and 1993 are not in controversy, but the respondents contend and very rightly that such engagement on a parttime casual basis for just 183 days in a year does not make him eligible for absorption under the rules. This position could hardly be disputed on behalf of the petitioner and, therefore, on the facts before us, it is not possible to give any direction to the respondents for absorption of the petitioner on ground of his work on casual basis as stated by him. However, at the time of filling up any vacancy in future, the respondents may consider the candidature of the petitioner, if he is eligible according to rules along with other eligible candidates.

4. We make no order as to costs.

Mukherjee
11/10/96
(M.S. Mukherjee)
Member (A)

A.K. Chatterjee
11/10/96
(A.K. Chatterjee)
Vice-Chairman