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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH: JODHPUR**

Original Application No.125/2005 &
Misc. Application No. 59/2005

Date of decision: 15.02.2006

Hon'ble Mr. J K Kaushik, Judicial Member.

Vijesh Kumar, S/o shri Jawari Lal, aged 32, years, Caste Harijan, r/o Harijan Basti, Nainu Ji Ka Mandir, Udaimandir, Jodhpur. (Presently working as Sweeper at Kacheri Post Office, Jodhpur)

: Applicant.

Rep. By Mr. S.P Sharma: Counsel for the applicant.

Versus

1. Union of India through the Secretary, Department of Posts And Telegraphs, Ministry of Communication, Govt. of India, Dak Bhawan, New Delhi.
2. The Assistant Post Master General, Rajasthan West Region, Head Post Office, Railway Station Road, Jodhpur.
3. The Sub Post Master, Post Office, Kacheri, Jodhpur.

---Respondents

Rep. By Mr. Vinit Mathur: Counsel for the respondents.



ORDER

Per Mr. J K Kaushik, Judicial Member.

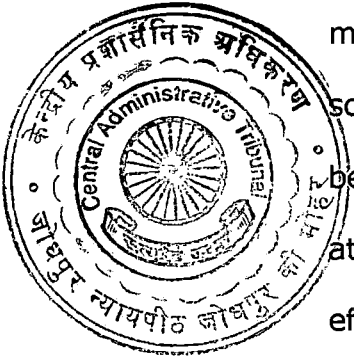
With the consent of both the learned counsel for the parties, the O.A was taken up for final disposal at the stage of admission. I have accordingly heard the arguments advanced at the bar and carefully perused the pleadings and records of this case.

2. The brief facts of this case are that the applicant was initially engaged as Sweeper on daily wages basis on 01.02.1986. He continues to be employed as part time casual labourer for the last above 19 years. He has not been granted the temporary status as per the Casual Labourers (Grant of Temporary Status and Regularisation)

—2—

Scheme of 1991. He has also not been regularized on any Group D post. The applicant has also not been made as a Full Time Casual Labourer. From the side of the respondents, it has been stated that the applicant, as a part time casual labourer is not entitled to grant of temporary status as per the scheme in vogue. There is a doubt regarding the date of engagement of the applicant since the applicant would have been only 13 years of age in the year 1986. The benefit of regularization also cannot be extended to the applicant since he does not fulfil the criteria for such regularization.

3. Misc. Application No. 59/05 has been filed on behalf of the applicant for condonation of delay on the ground that the subject matter of the OA relates to regularization and grant of regular pay scale, which is a continuous cause of action. No reply to the M.A has been filed. In my considered opinion, the question of limitation is not attracted in the instant case since the regularization etc., shall be effective only from a prospective date. In view of this, the M.A for condonation of delay stands accepted.

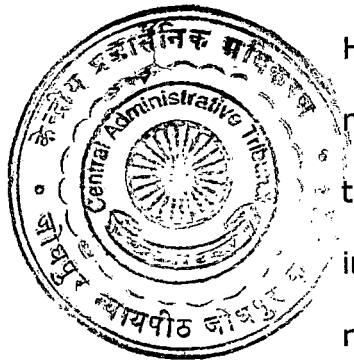


4. At the very outset, the learned counsel for the applicant has submitted that similar controversy has already been agitated and settled by this Bench of the Tribunal in O.A No. 184/2004, **Raju vs. UOI and ors.**, decided on 09.08.2005, and the issue does not remain res integra and therefore this O.A can be decided on similar lines. Per contra, the learned counsel for the respondents has submitted that the applicant may file an exhaustive representation to the competent authority, who may be directed to examine the case of the applicant and decide the matter by passing a speaking order.

2

- 3 -

5. I have considered the rival submission put forth on behalf of both the parties as well as gone through the decision in **Raju's** case (supra), to which I was one of the parties. I find that the controversy involved in the instant case is fully covered on all fours by the said decision and I have absolutely no hesitation to apply the same to the instant case and decide the O.A on similar lines. A copy of the same is placed on record. The contents of the same are directed to be read as a part of this order and no fresh discussion is considered necessary. However, in that case, sufficient details regarding the working hours meant for the casual labourer were available and still the applicant therein was being continued as part time casual labourer. But in the instant case, no such details are available and therefore, the respondents would be required to consider the case of the applicant keeping in view all the facts and circumstances of his case.



6. The upshot of the aforesaid discussion is that the O.A. has ample force and substance and the same stands allowed, accordingly. I hereby, direct the respondents to consider converting the status of the applicant from part time casual labourer to full time casual labourer within a period of three months from the date of receipt of a copy of this order. Consequences to follow. No costs.

J K Kaushik
(J K KAUSHIK)
JUDICIAL MEMBER.

Jsv.