

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR**

Original Application No.304/2010

Date of decision:12.12.2011

**HON'BLE Dr. K.B. SURESH, JUDICIAL MEMBER,  
HON'BLE Mr. SUDHIR KUMAR, ADMINISTRATIVE MEMBER.**

Harish Kumar S/o Shri Rupa Ram, by caste Harijan, aged about 38 years, R/o Behind Railway Hospital, Gandhinagar, Barmer, as a Safaiwala (Class-IV), working under respondent No.4.

: Applicant

**Mr. R.K. Soni, proxy counsel for  
Mr. I.R. Choudhary, counsel for applicant.**

**Versus**

1. Union of India, through the Secretary, Ministry of Communication, Indian Postal Department, Dak Bhawan, New Delhi.
2. The Post Master General, Indian Postal Service, New Delhi.
3. The Post Master General, Indian Postal Service Department, Rajasthan (Western Region), Jodhpur.
4. The Superintendent, Post Office, Barmer.

.....Respondents

**Mr. M.S. Godara, proxy counsel for  
Mr. Vinit Mathur, counsel for respondents.**

**ORDER (ORAL)**

**Per Dr. K.B. Suresh, Judicial Member**

We have heard both the learned counsels in great detail and examined the pleadings. In the office of Superintendent of Post Office, Barmer, which is a District Headquarter, at least 30 employees were working, and with all that which it entails, the applicant had been working for two decades <sup>at</sup> together and apparently satisfactorily. He is doing the work of a part time Safaiwala, and getting a meagre payment for it, suited to his designation, even though he would claim that the work, <sup>he</sup> does,

*[Signature]*

is entirely different. He would claim that he would come in the office first and open the office and closes the office, even though rules would say that he cannot be the keeper of the key.

2. The respondents would submit that according to their calculation he is working for six hours and 49 minutes in a day. If we set apart one hour for lunch break, he is working approximately eight hours each day. Even in this situation, the respondents would say that the applicant is not entitled for any career progression or settlement in life because, according to them, there is no substantive post of Safaiwala available in that post office, even though by normal government method of operations such a big office must have a post of Safaiwala.

3. This, according to the applicant, is exploitation of labour proscribed by constitutional process. The Directive Principles of State Policy, and the various judgments of the Hon'ble Supreme Court in this context under Article 21, have highlighted this issue. The Hon'ble Apex Court in **Yashwant Hari Katakhar vs. Union of India and Others**, reported in (1996) 7 SCC 113, held that a temporary or quasi-permanent, who had been working almost two decades, would have to be treated as deemed to have become permanent after having served for long period. The spirit and soul of **Uma Devi** case is also in the same genre. Therefore, we direct the Post Master General, Indian Postal Service Department, Rajasthan (Western Region), Jodhpur, who is third respondent, and the Superintendent of Post Office, Barmer, to consider, within the next two months, regularization of the service of the applicant,

*[Signature]*

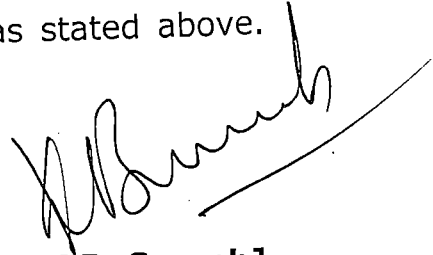
after hearing him in the light of the Hon'ble Supreme Court judgments as stated above and our observations noted above, and pass an appropriate order within two months next.

4. The O.A. is allowed to the limited extent as stated above.

No order as to costs.

  
[Sudhir Kumar]  
Administrative Member

rss

  
[Dr. K.B. Suresh]  
Judicial Member