

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.556/Jodhpur/2013

Jodhpur, this the 04th day of March, 2016

CORAM

**Hon'ble Smt. Chameli Majumdar, Judicial Member
Hon'ble Smt. Meenakshi Hooja, Administrative Member**

Rakma S/o Late Shri Velji, aged about 56 years, b/c ST, R/o village+post jhupel, District Banswara. (Office Address:- working as GDS BPM under respondent No.4).

.....Applicant

Ms. S. Rizvi, proxy counsel for Mr. S.P. Singh.

Versus

1. Union of India, through the Secretary, Government of India, Ministry of Communication, Department of Post, Dak Bhawan, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur-302 007.
3. The Post Master General, Rajasthan Southern Region, Ajmer.
4. Superintendent of Post Offices, Dungarpur Division, Dungarpur.
5. Inspector of Post (South Sub Division) Banswara-327 001.

.....respondents

Mr. Rameshwar Dave, counsel for respondents.

ORDER (Oral)

Heard. Learned counsel for the applicant submits that in a similar matter, this Tribunal has passed order on 28th March, 2014 in several OAs, whereby the OA No.195/2013 and connected OAs have been disposed of with the directions to regularise the services of the applicant and pay them arrears of service. The relevant paragraph 7 of the order is set out hereinbelow:-

"7. Considered the rival contention of both the parties. In these OAs, some of the applicants have rendered service of more than 20 years and some have completed service of more than 10 years. therefore, in view

the case of each of the applicants for regularization independently on its own facts as per the ratio decided by Hon'ble Apex Court in para 53 of Uma Devi's Judgment and in the case of M.L. Kesari (supra) within a period of four months from the date of receipt of a copy of this order and if the applicants are found eligible as per the above ratio, the respondents shall also pay the arrears to the applicants, as due, for the three years prior to filing of the OAs and notional consequential benefits from the initial date of regularization."

2. The aforesaid order passed by this Tribunal on 28.03.2014 has been affirmed by the Hon'ble High Court of Judicature for Rajasthan at Jodhpur in DB Civil Writ Petition No.8333/2014 & others vide its order dated 14.01.2015. The learned counsel for the respondents submits that no SLP against the order of the Hon'ble High Court has been filed by the department.
3. Learned counsel for the applicant submits that present applicant is also similarly situated person like the applicants of OA No.195/2013 & connected cases, therefore, the OA may be disposed of by passing the similar orders.
4. The facts of the present case in short are, that the applicant is working as GDS BPM for last more than 32 years and has prayed for a direction on the respondents to regularise his services on the post of GDS BPM, which was not being done. The respondents did not issue appointment letter to the applicant whereas junior to him, has been issued and is in possession of appointment letter and getting service benefits such as increments, bonus etc.. The applicant made several requests to the authorities but the same were rejected. Accordingly, the applicant has filed this Original Application.
5. It is noted that the Annual Inspection Report (Annexure-A/1) clearly shows the workload as well as the work done by the applicant who has been engaged as GDS BPM from 1981. The respondents admitted that the applicant

neither the appointment letter is issued nor the benefit of the post is granted. The case of the applicant appears similar to those applicants in OA No.195/2013 & connected cases in which the Tribunal in its order dated 28.03.2014 has held that according to the ratio decided by the Hon'ble Apex Court in the case of State of Karnataka vs. M.L. Kesari & Ors. reported in 2010 (2) SCC (L&S) 826 the applicants are entitled for regularization because they have worked for more than ten years as substitute or on provisional basis.

6. Therefore, looking to the facts and circumstances of the case and having regard to the several judgments including the judgments of the Hon'ble Supreme Court, the respondent department is directed to consider the applicant for regularization independently on its own facts as per the ratio decided by Hon'ble Apex Court in para 53 of Uma Devi's Judgment and in the case of M.L. Kesari (supra) within a period of four months from the date of receipt of a copy of this order. If the applicant is found eligible as per the above ratio, the respondents shall also pay the arrears to the applicant, as due, for the three years prior to filing of the OA and notional consequential benefits from the initial date of regularization.

7. Accordingly, the OA is disposed of as stated above with no order as to costs.


[Meenakshi Hooja]
Administrative Member


[Chameli Majumdar]
Judicial Member

R/C
C. E. New
11/3/16

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Antique 69
15/03/16 C.R.C.