

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 1373 of 97

Date of order : 4.4.05

Present : Hon'ble Ms.Meera Chhibber, Judicial Member
Hon'ble Mr.K.V.Prahaldan, Administrative Member

SURESH BALMIKII & ORS.

VS

UNION OF INDIA & ORS.

For the applicants : Mr.S.K.Dutta, counsel
Mr.T.K.Biswas, counsel

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

O R D E R (ORAL)

K.V.Prahaldan, A.M.

The applicants are 5 in number and they claim to be daily rated part-time worders working w.e.f. 1.1.87, 11.12.89, 14.2.90, 15.2.90 and 19.2.90 respectively. The applicants have been continuously working without any break since their initial engagement. The applicants also claim that according to letter No.45-24/88-S.B-I dated 17.5.89 issued from the office of the Director General, Deptt. of Posts, New Delhi, they are eligible for regular appointment against Group 'D' category posts. The applicants also stated that as per Indian Posts & Telegraphs (Group 'D' Posts) Recruitment (Amendment) Rules, 1989 also casual labourers both full-time and part-time are eligible for absorption against Group 'D' category posts. The applicants stated that they are eligible for non-test category as per their educational qualification and some of the applicants are also eligible for test category Group 'D' posts. The applicants have also stated that the Superintendent, Postal Stores Depot, Calcutta decided to fill up 9 posts in Group 'D' category (test/non-test) in the office of the Superintendent, Postal Stores Depot, Calcutta from the Employment Exchange without considering the applicants. The applicants got an interim stay on 8.12.97 from this Bench of the Tribunal where the respondents were directed to go ahead with the process of selection but not to publish the result without permission from this Court. The interim order still continues.

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2. The respondents claim that the applicants are part-time contingent paid staff in the Central Calcutta Division. They are not Daily Rated Mazdoor as they have claimed. The respondents say that the applicants are not entitled to the temporary status since they are not Daily Rated Mazdoor. The respondents say that all the 9 vacancies advertised are in the Postal Stores Depot, Calcutta which is a separate unit from the Central Calcutta Division where the applicants are engaged.

3. Heard both the 1d.counsel for the applicants and the 1d.counsel for the respondents. The claim of the respondents that the applicants are not Daily Rated Mazdoor ^{appears incorrect} ~~by~~ ^{on} the base of the order of the Deptt. of Posts, enclosed as Annexure A/1 to the application. Para 2 of this order says that mazdoor, casual labourer, contingent paid staff, daily wager, daily rated mazdoor, outsider, etc. are to be treated as casual labourers and those casual labourers who are engaged for 8 hours per day are to be treated as Full Time casual labourers and those who are engaged for less than 8 hours per day be treated as Part-Time casual labourers. If a part-time casual labourer has served for 480 days in 2 years he will be treated as a Full-Time casual labourer. Therefore the applicants are to be treated as Full-Time casual labourers and ^{since} ~~if~~ they fulfilled the eligibility for temporary status they should be considered for the same. Since the respondents have completed selection and have been directed not to publish the result without the permission of this Court, this Tribunal cannot at this stage interfere with the above selection process and therefore the respondents are directed to go ahead and publish the result. However, the respondents are hereby directed to give temporary status to the applicants with immediate effect, ^{if} they are eligible, ^{and regularisation} ~~and~~ consider them for absorption ^{in case any vacancy occurs.} ~~as per rules.~~

4. The OA therefore stands disposed of. No order as to costs.

K. P. Kakodkar
MEMBER(A)

B
MEMBER(J)