

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 557 of 1996

Monday this the 27th day of May, 1996.

CORAM

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

T.Saseendran, Casual Driver,
Mail Motor Service, Ernakulam,
Cochin-16.

.... Applicant

(By Advocate Mr. Thomas Kutty, M.A.)

Vs.

1. Manager, Mail Motor Service,
Cochin.16.
 2. Postmaster General,
Central Region, Cochin.
 3. Chief Postmaster General,
Kerala Circle, Thiruvananthapuram.
 4. Director General of Posts,
New Delhi.
 5. Union of India represented by its
Secretary, Ministry of Communications,
New Delhi.
 6. K.K.Babu, Jeep Driver,
Office of the Sr.Supdt. of Post Offices,
Kollam.
- Respondents

(By Advocate Mr. P.R.Ramachandra Menon)

The application having been heard on 27th day of May, 1996
the Tribunal on the same day delivered the following:

O R D E R

Applicant a casual employee in the Postal
Department seeks a declaration that he

"is fully eligible and entitled to be regularised
as a driver in terms of A5 judgment dated 24.12.91
in O.A.1398/91."

No casual employee is entitled to be regularised against
any particular post. As observed by the Supreme Court in

contd...

Mukesh Bai's case, AIR 1995 SC 412, there is no right of regularisation itself. Regularisation can be only in terms of a scheme. If there is a scheme regularisation will be made in terms of that. This concept is evolved on humanitarian considerations and to avoid exploitation of labour. There is no question of regularisation against an enumerated or specified post.

2. That does not mean that applicant's request for regularisation can be dealt with arbitrarily. A9 representation will be considered in terms of the prevailing scheme and rules and his eligibility according to those.

3. Standing counsel submits that he will forward a copy of the original application and a copy of this order to first respondent for compliance. We record the submission.

4. Original application is disposed of as aforesaid. No costs.

Dated the 27th day of May, 1996.

Sankaranair
CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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List of Annexures

Annexure A5: True copy of the judgement in OA-1398/91
dated 24.12.91 of this Hon'ble Tribunal

Annexure A9: True copy of the representation
dated 28.2.96 before the 1st respondent.