

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 169/93

Wednesday, the twelfth day of January, 1994

MR. N. DHARMADAN MEMBER (JUDICIAL)
MR. S. KASIPANDIAN MEMBER (ADMINISTRATIVE)

P. Janaki Amma
Sweeper-cum-Water Carrier
Attingal, Head Post Office

Applicant

By Advocate G. Sasidharan Chempazhanthiyil

vs.

1. The Postmaster, Attingal H.P.O.
2. Sr. Supdt. of Post Offices, North Division
Thiruvananthapuram
3. Chief Postmaster General, Kerala Circle
Thiruvananthapuram
4. Director General, Postal Department,
New Delhi
5. Union of India represented by its Secretary
in the Ministry of Communications,
New Delhi

Respondents

By Advocate Mr. S. Krishnamoorthy, ACGSC

ORDER

N. DHARMADAN

The applicant is a part-time Sweeper working in the office of the Sub Postmaster, Attingal from the date of Annexure-I. She was also given additional work and at present she is doing the work six hours & twenty minutes every day as admitted by the respondents in the reply. The applicant is aggrieved by the denial of regularisation of her service in the light of the principles laid down in the order of the DGP&T dated 11.11.83, Annexure-VII.

2. The scope of this letter was considered by this Tribunal in connection with the regularisation of part-time contingency water carrier who filed O.A. 1146/91. We have disposed of that application with the following observation/direction:

"Accordingly, we direct the first respondent to consider the claim of the applicant for regularisation in the light of Annexure-II letter of the DGP&T taking into account the arguments based on discriminatory treatment as extracted above in the light of the three cases of similarly situated persons and regularise her

service if the decision is in her favour by creating a supernumerary post in case such creation of post becomes necessary having regard to the fact that the applicant was continuing in service from 1967 onwards. This shall be done within a period of three months from the date of receipt of a copy of this judgment."

The above judgment was followed in later case O.A. 600/93. The applicant is placing reliance on these decisions for getting the benefit of Annexure VII.

3. In the reply filed by the respondents, they have admitted all the facts but contended that regularisation of casual employees can be considered only in the light of the proceedings dated 24.12.89; but they have not denied the case of the applicant that she is xxx entitled to the benefit of the earlier proceedings of the DGP&T dated 11.11.83, produced as Annexure-VII which has not been superseded by Ext. R-1. The learned counsel for respondents is not in a position to distinguish the facts from the facts of the earlier case O.A. 1146/91 and O.A. 600/93 so as to take a different view in this case for denying the benefit of regularisation to the applicants.

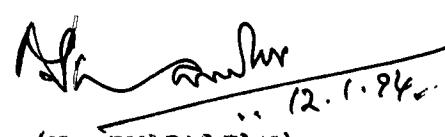
4. In this view of the matter, we follow our earlier judgments and allow the application to the extent of directing the second respondent to consider the claim of the applicant for regularisation from the date of Annexure-I in the light of the earlier two decisions of the Tribunal relied on by the applicant and Annexure-VII order of the DGP&T. This shall be done within the period of four months from the date of receipt of the copy of this judgment.

5. The application is allowed as indicated above.

6. There shall be no order as to costs.


(S. KASIPANDIAN)
MEMBER (ADMINISTRATIVE)

kmn


.. 12.1.84
(N. DHARMADAN)
MEMBER (JUDICIAL)