

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O.A. No.
XXXXXX

280

1990

DATE OF DECISION 21.12.1990

K.K.Pavithran, Applicant (s)

Mr.Johnson Manayani Advocate for the Applicant (s)

Versus

UOI rep. by Secy., Deptt. of Posts, Central Sectt., New Delhi & 4 others Respondent (s)

Mr.TPM Ibrahim Khan, Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S.P.Mukerji - Vice Chairman

and

The Hon'ble Mr. A.V.Haridasan - Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? NO
2. To be referred to the Reporter or not? NO
3. Whether their Lordships wish to see the fair copy of the Judgement? NO
4. To be circulated to all Benches of the Tribunal? NO

JUDGEMENT

(Mr.A.V.Haridasan, Judicial Member)

The applicant is aggrieved by the order of the Annexure-C
second respondent dated 28.3.1989/rejecting his representation for absorption as Group 'D' employee in the Department of Posts and ~~he~~ prays that it may be declared that he is entitled to be regularised as a Group 'D' employee, and that the respondents may be directed to absorb him in Group 'D' post.

2. The applicant has worked in a Class-IV post in the office of the Accounts Officer, ICO(SB), Calicut Region, under the DPS Calicut for 6 months from 1.4.1982.on daily wages. He was disengaged thereafter. Coming to know that persons similarly situated like him are being considered

for regularisation in Group 'D' service as per instructions in circular dated 7.5.1985, he submitted Annexure-B representation to the Post Master General enclosing a certificate issued by the 5th respondent, Annexure-A certifying that he had been employed as Class-IV employee in ICO(SB), Calicut Region, Calicut for 6 months from 1.4.1982 and requesting that he ^{may} be regularised in service as Group 'D' employee. It was to this representation that he received the impugned order at Annexure-C rejecting his claim. The applicant has in his application claimed that he had served the department for 240 days and that, therefore, he is entitled to be absorbed in regular service as a Group 'D' employee.

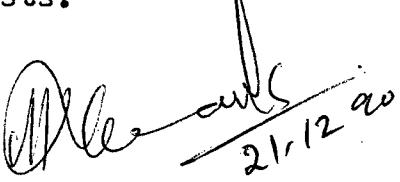
3. The respondents contest the claim of the applicant.

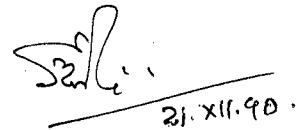
It has been contended in the reply statement that the applicant was engaged as Casual Mazdoor only for 100 days that he had never worked for 240 days as claimed by him, and that, therefore as per the instructions on the subject the applicant is not entitled to ^{be} regularised in the service.

4. Having heard the counsel on either side and having perused the documents, we are not satisfied that the applicant has got any legitimate grievance. The claim that the applicant worked for 240 days as a Class-IV employee either provisionally or as a Casual Mazdoor appears to be unfounded. This plea of the applicant stated in paragraph 3 of the application is contrary to his own statement in

paragraph 1 and 2 of the application that he worked as a Class-IV employee in the office of the Accounts Officer for about 6 months from 1.4.1982 on daily wages that his service was terminated thereafter, and that he was not reengaged . According to the respondents even during the period in question, the applicant was engaged only for 100 days. Therefore, as by his own showing the applicant has not worked for 240 days in any year, his claim that he is entitled to be absorbed in service as a Group 'D' employee has no factual or legal basis.

5. In view of what is stated above, the application fails and the same is dismissed without any order as to costs.


21/12/90
(A.V.HARIDASAN)


21.XII.90
(S.P.MUKERJI)

JUDICIAL MEMBER

VICE CHAIRMAN

21.12.1990