

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 332 of 1996

Thursday, this the 16th day of October, 1997

CORAM

HON'BLE MR. AM SIVADAS, JUDICIAL MEMBER  
HON'BLE MR. SK GHOSAL, ADMINISTRATIVE MEMBER

1. Radha Palakkal, W/o Velayudhan,  
Part time Sweeper,  
Postal Store Depot, Feroke, Calicut  
residing at Edathumpady House,  
West Nellore, Feroke PO.
2. C. Remani, W/o Raghavan,  
Part time Sweeper,  
Postal Store Depot Annexe,  
Chevannur, Calicut,  
residing at Chenaparambil,  
Feroke PO, Calicut. .. Applicants

By Advocate Mr. MR Rajendran Nair

Versus

1. The Superintendent,  
Postal Store Depot,  
Feroke, Kozhikode - 673 631
2. The Post Master General,  
Northern Region, Calicut-11 .. Respondents

By Advocate Mr. TR Ramachandran Nair, ACGSC

The application having been heard on 16-10-1997, the  
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. AM SIVADAS, JUDICIAL MEMBER

Applicants are working as Part-time casual labourers  
with effect from 14-3-1988 and 22-4-1988 respectively.  
They were recruited through the Employment Exchange.  
Applicants say that they are qualified to be appointed as  
Group 'D' Government servant in the Postal Store Depot.

contd..2.

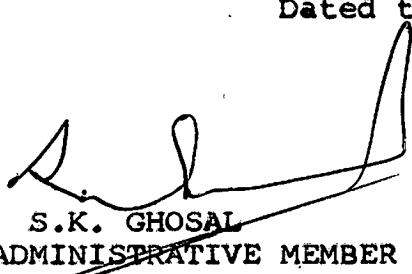
Representations were made by the applicants for appointing them as Group 'D' in Postal Store Depot. Their representations were turned down as per A-1 and A-2, the impugned orders, on the ground that they being part-time contingent employees are not qualified for regularisation as Group 'D'.

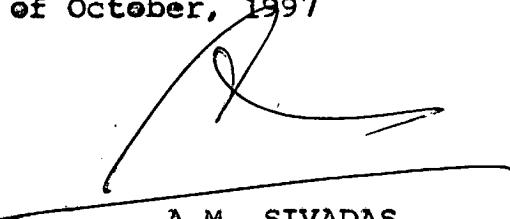
2. When the OA came up for hearing, in the light of the Government of India, Department of Posts letter dated 17-5-1989 and the observations made in the judgment of the Apex Court in Secretary, Ministry of Communications & Others Vs. Sakubai & Another (CA No. 360-361 of 1994) as also the circular issued by the Assistant Postmaster General (Staff) to all SSPs/SPs/SSRM/SRM in Kerala Circle on 2-2-1989, the learned counsel for the applicants argued that the impugned orders are not sustainable. It is seen from the order of the Tribunal in OA No. 1104/97 that the Tribunal has accepted this plea. Following the said order it is only to be held that A-1 and A-2 are liable to be set aside.

3. Accordingly, A-1 and A-2 orders are set aside declaring that the applicants are entitled to be considered for the vacancy of Group 'D' in Postal Store Depot, Calicut. We direct the respondents to consider the applicants in their turn in accordance with the instructions contained in the Government of India, Department of Posts letter dated 17-5-1989 and the letter dated 2-2-1989 of the Assistant Postmaster General (Staff).

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

Dated the 16th of October, 1997

  
S.K. GHOSAL  
ADMINISTRATIVE MEMBER

  
A.M. SIVADAS  
JUDICIAL MEMBER

LIST OF ANNEXURES

1. Annexure A1: Order No.PF/Radha Palakkal Cont. Staff dated 7.12.95 issued by the 1st respondent to the applicant No.1.
2. Annexure A2: Copy of the order No.PF/C. Ramani Con. Staff dated 7.12.95 issued by the 1st respondent to the applicant No.2.

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