

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A.No.379/2001

Monday this the 23rd day of July, 2001

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

V.S.Rajkumar,  
aged 31 S/o Somasekharan Nair  
Casual Mazdoor,  
Thiruvananthapuram General Post Office,  
Raj Vihar, TC 28/1126,  
Kunnumpuram, Thiruvananthapuram. ....Applicant

(By Advocate Mr.Vishnu S Chempazhanthiyil)

v.

1. Senior Postmaster,  
General Post Office,  
Thiruvananthapuram.
2. Chief Postmaster General,  
Kerala Circle,  
Thiruvananthapuram.
3. Union of India, represented  
by its Secretary,  
Ministry of Communications,  
New Delhi. ....Respondents

(By Advocate Mr.PMM Najeeb Khan (rep)

The application having been heard on 23.7.2001, the Tribunal on the same day delivered the following:

O R D E R  
HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant who claims to have been in engagement under the respondents for casual work intermittently till July, 1996 and thereafter continuously and has been working for more than 350 days in each of the years 1997, 1998, 1999 and 2000 is aggrieved by the abrupt stoppage of his engagement from work with effect from 31.3.2001. The applicant had

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filed O.A. 760/2000 claiming temporary status but the OA was dismissed on 7.2.2001. It is alleged in the application that probably because of OA 760/2000 has been dismissed the respondents have disengaged the applicant and are engaging E.D.Aagents on Group D posts as casual labourers. It is alleged in the application that this Tribunal had in an earlier decision in OA 1112/94 held that engagement of E.D.Aagents who are holders of civil posts as casual labourers is not a good practice. The applicant has also alleged that as per order dated 27.10.95 (A2) the department itself has undertaken to engage the applicant for casual work with effect from 18.9.95 and it was on that basis that the applicant was thereafter engaged. It is alleged that the abrupt termination of the services of the applicant and engagement of E.D.Aagents against Group D vacancies on a casual basis is illegal and unjust. With these allegations the applicant has filed this application for a declaration that the non-engagement of the applicant in the leave vacancies of Postman and Group D by the Ist respondent is illegal and for a direction to the Ist respondent to engage the applicant as has been done prior to 31.3.2001. He has also prayed for a direction to the Ist respondent to treat the applicant as on duty from 31.3.2001 for all purposes and to direct the 2nd respondent to consider and pass orders on Annexure.A5 representation.

3. The respondents resist the claim of the applicant. They contend that the applicant was not a casual labour but only a substitute and that he has not

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acquired any right for engagement as a casual labour on Group D post. Further the practice of deploying E.D.Aagents on Group D posts have been sought to be justified on the ground that it is as provided for in the rules.

4. We have heard the learned counsel appearing on either side. The applicant has not made out that he has got any right to be engaged in preference to everybody including E.D.Aagents on short term vacancies in Group D. Further the applicant cannot have a legitimate grievance against deployment of E.D.Aagents on short spells on Group D posts because rules provide for that. The Tribunal in its orders in OA 1112/94 has only observed that deployment of E.D.Aagents who are holders of civil posts as casual labourers is not a good practice. Here the applicant has not been able to show that E.D.Aagents are employed as casual labourers. The deployment of E.D.Aagents to work as Group D/Postman is covered by the rules. The only claim of the applicant that can now be considered is that as he was being engaged on the basis of an order of the Chief Postmaster General dated 27.10.95, he should be considered for engagement as and when necessity of engaging outsiders would arise. The respondents' counsel stated that the respondents would consider the applicant as and when engagement of freshers would arise.

5. In the light of what is stated above, we dispose of this application with the following directions:

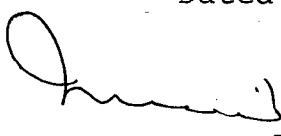
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While declining to grant the reliefs sought for in the application, we direct the respondents to consider the applicant for engagement as and when requirement arises in the same manner as he was being engaged till 31.3.2001 on the basis of an order of the Chief Postmaster General dated 27.10.95 (Annexure.A2).  
No costs.

Dated the 23rd day of July, 2001

  
T.N.T. NAYAR  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

(s)

List of annexure referred to:

Annexure.A2:True copy of the Order  
No.CC/16/78-94 dated  
27.10.1995 of the 2nd  
respondent.

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