

**CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW**

**ORIGINAL APPLICATION NO: 47 OF 2005.**

**THIS THE 16<sup>TH</sup> DAY of September, 2005**

**HON'BLE SHRI S.P. ARYA MEMBER (A)**

Amar Singh aged about 35 years son of Sri Gaj Raj Prasad R/o A/645, Avas Vikas Colony, Sitapur.

Applicant.

By Advocate: Shri R.S. Gupta

**VERSUS**

1. Union of India through the Secretary, Department of post Dak Bhwan, New Delhi.
2. Director Postal Services, Office of Chief Postmaster U.P. Lucknow.
3. Postmaster Sitapur.

Respondents.

BY Advocate: Shri G.K.Singh

**ORDER**

**BY HON'BLE SHRI S.P. ARYA, MEMBER(A)**

The applicant joined as part time casual labour and thereafter was made full time casual labour. He was disengaged on 29.9.97. He was again re-engaged on 7.7.98 His services were terminated in compliance of the order of 14.9.98 of respondent No. 2. Representation made by the applicant was disposed of by communication of 4.11.2003 addressed to Secretary General, Bhartiya Postal Employees Federation.

2. Applicant by this O.A. seeks for quashing para 7 of the communication /order dated 4.11.2003 and orders dated 14.9.98 and 23.9.98 and also to direct the opposite parties to reinstate the applicant in service with all consequential benefits.

3. Respondents in the counter reply have stated that applicant was engaged as part time contingency paid Farrash (CP Farrash) at Sitapur Head Office though there was complete ban on recruitment of casual labourers in the entire


department at all levels as per communication dated 29.3.1990 of the DG posts. The engagement of the applicant was made by the Post Master, Sitapur against the instructions issued by the Directorate. It is further submitted that applicant managed to get a forged and bogus appointment order issued in his name from Post Master, Sitapur. Superintendent Post Offices, Sitapur converted the post of part time CP Farrash into full time on 22.7.1997 but this memo was cancelled by the same officer on 14.10.97 finding it erroneous and irregular. An O.A. No. 468/97 was pending in this Tribunal. ~~Wide~~ Memo 7.7.98, applicant was allowed to work but the same was cancelled on 14.10.98. It is further stated that applicant was never appointed as Casual labour or Farrash. Re-engagemnet of the applicant was contrary to Rules and instructions. Since the applicant was disengaged before the issue of memo making the part time farrash post into full time farrash, he is not entitled to claim the benefit of regularization. The communication issued by DG Posts was addressed to Secretary General of the Bhartiya Postal Employees Federation and not the applicant, though copy thereof was marked to six other employees.

4. I have heard the learned counsel for both the parties and perused the pleadings on record.

5. Disengagement order dated 29.9.97 was challenged earlier. Regularization as full time Casual Labour was also sought for by way of filing O.A. No. 468/97. The O.A. was dismissed as there was no merit. Since the O.A. was dismissed, there appears to be nothing wrong in communication dated 4.11.2003 informing the Secretary General of the BP Employees Federation that the cases of Km. Meenu and Amar Singh have been disposed of as per order of the CAT. It appears from the record that in spite of complete ban of engagement of Casual Labour, the applicant was engaged on the pressure of the Union. The order dated 14.9.98, canceling the order dated 07.07.98 does not suffer from any infirmity because the recruitment/ engagement made itself was irregular and against the instructions. Respondent No.2 was competent to see whether the

engagement made in the sub-ordinate offices were in accordance with the rules and instructions issued in this regard or not. Disengagement of part time casual labour in compliance of the order dated 14. 9.98 do not suffer from any illegality. The plea that the disengagement was on the instructions of senior officers and not by applying his own mind is meaningless when the initial appointment itself was made against the rules and instructions. Order dated 9<sup>th</sup> March 1990 clearly reiterate complete ban on recruitment of casual labours in the entire Department including the Civil wing at all levels. These instructions also provided that engagement of casual labours in anticipation of approval of directorate is also prohibited. Head of Circles were held personally responsible for violating such instructions. Since the engagement of the applicant was against these instructions , there is no scope for interfering with the orders assailed.

6. In view of the above discussion, I find that there is no merit in the O.A. It is liable to be dismissed. It is accordingly dismissed. No costs.

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**(S.P.Arya)**  
**Member (A)**

HLS/-