

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

Original Application No.400/2005

This the 16th day of September 2005

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

1. Sri Bipin Kumar Srivastava, aged about 40 years S/o Late Sri Sita Ram Srivastava, Casual Labour Pump/Generator Operator Office of Senior Superintendent of Post Offices Faizabad at par temporary Group D.
2. Smt. Vijai Luxmi aged about 39 years widow of Late Sri Sunder Lal Rastogi Casual Labour Waterman at par with temporary Group D O/O SSPOs Faizabad.
3. Sri Ram Sunder Yadav aged about 40 years S/o Sri Deokali Prasad Yadav, Casual Labour Waterman cum Mali Temporary status at par with temporary Group D Faizabad H.O.
4. Sri Chandra Bhan Tewari aqgede about 42 years S/o Sri Ram Avadh, Casual Labour Chowkidar at par with temporary Group D Faizabad Head Office.
5. Sri Surja aged about 35 years S/o Sri Ram Deo Yadav Waterman cum Gardner at par with temporary Group D Faizabad Head Office.
6. Sri Sadhu Ram aged about 35 years, Casual Labour Chowkidar at par temporary Group D Office of SSPOs Faizabad.

7. Sushil Kumar aged about 36 years S/o Late Sri K.N. Singh Casual Labour Helper at par with temporary Group D O/O SSPOs Faizabad.
8. Sri Ram Narain Yadav aged about 55 years Casual Labour Chowkidar Temporary status at par with Group D Head Post Office Faizabad.
9. Basu Deo about 37 years S/o Sita Ram C.P. Gardner cum Farris O/O S.S.P.Os. Faizabad at par with temporary Group-D.
10. Maiku Lal aged about 42 years S/o Chhedan Lal, Casual Labour Chowkidar temporary status, Patranga.
11. Muneshwar Prasad aged about 50 years S/O Mahbir Yadav Causal Labour Temporary Group D status Chowkidar Khajurahab, Faizabad.
12. Badri Singh Casual Labour at par with temporary Group D Chaikidar Pallia (Kheri).
13. Raghunandan Prasad Casual Labour Group D at par with temporary Group D Chowkidar Gola Gokaran Nath (Kheri).

... Applicant.

By Advocate: Shri R.S. Gupta.

Versus.

1. Union of India through the Secretary Cum Director General Department of Post Dak Bhawan, New Delhi.
2. Chief Postmaster General, U.P., Lucknow.
3. Senior Superintendent of Post Officers, Faizabad.
4. Senior Superintendent of Post Office, Kheri.

... Respondents.

By Advocate: Shri S.P. Singh for Dr. Neelam Shukla.

ORDER (ORAL)

Heard.

2. It is not disputed that applicants before me had already been accorded temporary status w.e.f. 20.11.1989. Their claim is that they had worked for almost 16 years, yet they are not regularized against group 'D' posts. It is averred in paragraph 2.2 of the OA that certain persons junior to them have been regularized against group 'D' posts by Chief Post Master General. The representations preferred by applicants to the Director General of Posts, which is an appropriate authority to sanction posts is yet to be responded to.
3. In the reply filed by respondents it is stated that applicants are CP Chowkidars and cause of action lies by way of representation to SSPO and as this has not been done it is stated that there is an assumption that no vacancy is available to accommodate them.
4. While perusing paragraph 4.2 of the reply the above plea of discrimination in the matter of regularization is not specifically rebutted by respondents.
5. It is trite law that once the averments are not rebutted specifically, are deemed to be admitted. However, regularization of a casual worker with temporary status depends on availability of vacancies in Group 'D' posts, which is the prerogative of Government to sanction posts.
6. In this view of the matter, taking cognizance of the fact that juniors who had been engaged later on and accorded temporary status much later to applicants have been regularized, the representations preferred by applicants to the Director General of Posts shall be considered by Respondent No.1 and a reasoned and speaking order be passed relating to the grievance of applicants and their claim for regularization, within a period of two months from the date of receipt of a copy of this order. No costs.


(Shanker Raju)
Member (J)

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