

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

O.A. No. 127/92

Lucknow this the 14th day of July, 2000.

HON. MR. D.C.VERMA, MEMBER(J)

Krishan Kumar, aged about 31 years sonof Sri Siya Ram, resident of village and Post Kasmandi Kala, District Lucknow (employed on temporary basis as Waterman in the P&T Electrical Sub Division, Aliganj, Lucknow.)

Applicant.

Applicant in person.

versus

1. Union of India, through the Secretary, Ministry of Communication, New Delhi.
2. The Chief Postmaster General, U.P. Circle, Lucknow.
3. Assistant Engineer, Postal Electrical Sub Division, Aliganj, Lucknow.
4. Junior Engineer, Postal Electrical Sub Division, Aliganj, Lucknow.

Respondents.

O R D E R (ORAL)

The applicant has filed this O.A. for regularisation of his services and grant of temporary status.

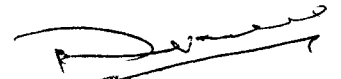
2. As per the facts contained in the O.A., the applicant was engaged as Waterman initially on 1.4.1980 and continued upto 31.7.1980. In subsequent years also, the applicant was engaged during Summer Season as Waterman upto 1987. The applicant was not engaged in the year 1988-89. The applicant however, claims to have been engaged during April 92 to 31.7.92 and 1.4.91 to 1.9.91. As casual labourers who were engaged and <sup>5 head</sup> worked for 240 days, <sup>5</sup> and were granted temporary status and the applicant was ignored, the applicant has filed the present O.A.

2. According to the respondents' case, the

applicant was not a casual labourer . The applicant was engaged only as a contingent paid staff during Summer Season. Their further case is that the applicant was not engaged after 1987. The engagement of the applicant in the year 1990-91, as claimed by the applicant, has been denied by the respondents.

4. Heard the learned counsel for the respondents and perused the pleadings on record. <sup>As per</sup> Annexure-1 to the O.A., the applicant was engaged as a Waterman between 2.5.83 to 15.7.83. No other certificate or any other document to establish the working has been filed by the applicant. The respondents have however, admitted that the applicant was engaged as Contingent paid staff during Summer season in various years upto 1987 only. Those who were screened and were granted temporary status vide order dated Annexure A-2 on August 91 they were all casual labourers and not seasonal staff, as the applicant was, <sup>was granted</sup> ~~temporary status vide Annexure A-2~~. A casual labourer stands on a better footing in comparison to a contingent paid staff and consequently, the applicant cannot claim parity with the casual labourers. It is not the case of the applicant that any other contingent staff engaged on seasonal basis was granted temporary status by the respondents. It is also not the case of the applicant that any junior to the applicant or any person engaged subsequent to the date of applicant's engagement, as contingent paid staff, has been granted temporary status. Consequently, the applicant has no case. Further, the applicant has claimed regularisation and grant of temporary status though he is not working since 1987. The question of grant of temporary status or regularisation would have arisen only if the applicant had been working even after 1987 or if any junior to the applicant had been granted such a relief by the respondents.

5. In view of the discussions made above, there is no merit in the applicant's case. The O.A. is dismissed. Costs easy.

  
MEMBER(J)

Lucknow; Dated: 14.7.2000

Shakeel/