

**Central Administrative Tribunal Lucknow Bench Lucknow.**

O.A. No. 98/2006

This, the 20<sup>th</sup> day of December, 2007.

Hon'ble Shri M. Kanthaiah, Member (J)

Mata Parsed Misra aged about 63 years son of Sri Basudo Misra, Ex-Chaukidar, Darshan Nagar (Faizabad) R/o Village Kusba Keshopur H/o Pure Piyare Ka Purva Darshan Nagar, Faizabad.

Applicant.

By Advocate: Shri R.S. Gupta

Versus

1. Union of India through the Secretary, Department of Post, Dak Bhawan, New Delhi.
2. Chief Post Master General, U.P., Lucknow.
3. Senior Superintendent of Post Offices, Faizabad
4. S.D.I., Faizabad East Sub Division, Faizabad.

Respondents.

By Advocate: Shri D. Awasthi for Sri Yogesh Kesharwani.

**ORDER**

By Hon'ble Shri M. Kanthaiah, Member (J)

The applicant has filed the Original Application to issue direction to the respondent for payment of all retrial dues including pension, commuted value of pension, leave encashment, DCRG etc. along with interest @ 18% w.e.f. the date of retirement i.e. 30.6.2003, till the date of payment.

2. The respondents have filed counter affidavit, denying the claim of the applicant on the ground that he was not regularized as regular Group 'D' Employee.

3. The applicant has filed rejoinder reiterating his pleas in the O.A. and denying the stand taken by the respondents.

4. Heard both sides.



5. The point for consideration is whether the applicant is entitled for relief as claimed for.
6. The applicant joined in the respondents department as contingency paid Chowkidar during 1967 and he was granted temporary status w.e.f. 29.11.1989 and thereafter, after completion of three years, he was conferred with the temporary status of Group 'D' employees w.e.f. 30.11.1992 (Annexure- 3). The applicant retired on 30.6.2003 on attaining the age of superannuation.
7. Though, the applicant worked for more than 10 years even after conferring the status of temporary Group 'D' employee, his services were not regularized by the respondents department.
8. The claim of the applicant is for retiral benefits on the ground that he worked for more than 10 years after conferring temporary status of Group 'D' employee and also after completion of more than 35 years in the Department.
9. The respondents contention is that when the applicant was not regular employee, he is not entitled for such retiral benefits as per scheme called Casual Labourers (Grant of Temporary Status and Regularization) Scheme of Govt. of India, 1993.
10. Admittedly, without regularization of services, the employee is not entitled for any retiral benefits. In the instant case, the applicant's services have not been regularized by the Department. Though, he served for more than 30 years in the Department and also served more than 10 years after conferment of Temporary status Group 'D' employee, he was not regularized and separate procedure is there for regularization of such



employees under the scheme. Mere, continuous service for a period of more than 10 years as temporary status Group 'D' employee does not give any right, equivalent to the regular group 'D' employee without regularization of his services as Group 'D' employee. In the instant case, when the services of the applicant was not regularized, granting of any retiral benefits to him does not arise. As such, the applicant's claim for grant of retiral benefits, equivalent to the regular Group 'D' employee is not at all maintainable.

11. The learned counsel for the applicant relied upon the decision of the coordinate bench of the Tribunal in O.A. No. 30 of 2007 dated 2<sup>nd</sup> Feb., 2007 between Munni Devi Vs. UOI. But there is no finding in the said judgment that a temporary status Group 'D' employee is entitled for retiral benefits as claimed by the applicant in the present O.A., and as such, the said judgment is not helpful for deciding the present claim of the applicant. To take a decision of the Coordinate bench as a precedent if it decides a question of law, but no such circumstances are there to treat the relied decision of the coordinate bench as a precedent.

12. Under the above circumstances, there are no merits in the claim of the applicant, as such, the same is liable for dismissal.

13. In the result, O.A. is dismissed. No costs.

  
MEMBER (J)

20.12.2007

HLS/-