

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA.
O.A. No. 91/2006**

Date of order : 08.08.2008

C O R A M

HON'BLE SMT. MANJULIKA GAUTAM, MEMBER[A]

Gautam Kumar, S/o Ramchandra Ram, resident of village- Murli
Telbiga, P.O.- Gaya R.S., Distt.- Gaya.

..... Applicant.

-By Advocate : Shri S.K. Bariar.

-Versus-

1. The Union of India through Chief Post Master General, Bihar Circle, Patna.
2. Post Master General, Patna.
3. Director of Postal Service, (HQ), Patna.
4. Superintendent, R.M.S. C- Division, Gaya.
5. Inspector, CII, Sub-Division, RMS, Gaya.
6. Head Record Officer, RMS, Gaya.

..... Respondents.

- By Advocate : Shri U.N. Dubey.

O R D E R

Smt. M. Gautam, M[A]:- Heard both the counsel.

2. The applicant has sought the following reliefs:-

- [i] The respondents be directed to absorb them against the vacant Group- D post in the Postal Division, Gaya.
- [ii] The respondents be directed to enhance the working hours of the applicant up to eight hours during the



pendency of absorption of applicants as a lot of work is available in office.

[iii] Any other relief/relief(s) may be granted to the applicants for the ends of the justice.

3. The applicant is working as part time casual labour, i.e. Sweeper in Rest House and DBO, RMS, C- Division, Gaya since 04.09.1996. The name of the applicant was forwarded by the Employment Exchange vide letter dated 10.10.1996 wherein he was called for an interview on 11.11.1996 and selected for the post of Part time Sweeper vide letter dated 20.12.1996. The applicant has been working continuously since then and he and other part time casual labour have made representations for their regular absorption in Group 'D' vacant post but no action has been taken by the department to regularise them.

4. In OA No. 85 of 2006 of Patna Bench cited by the learned counsel for the respondents, which is a case of similar circumstances, it has been held that the Tribunal cannot direct an employer to increase the working hours. Therefore, this relief cannot be allowed in this case also. The order also maintains that under Recruitment Rules, 2002 (Group 'D' posts), there is a provision to consider casual labour, full time or part time while filling vacant Group 'D' posts.

5. As in the OA referred to above, the respondents are directed to



consider the case of the applicant as per provisions of 2002 Recruitment Rules for posting on a Group 'D' post as and when his turn comes.

6. The OA is disposed of accordingly. No costs.



[MANJULIKA GAUTAM]
MEMBER[A]

srk.