

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.978/1999

Monday, this the 14th th Day of August 2000

Mr.Dinkar Shankar Gite Applicant.

(Applicant by Shri S.P.Inamdar, Advocate)

Versus

Union of India & Ors. Respondents

(Respondents by Shri V.S.Masurkar, Advocate)

CORAM

Hon'ble Shri B.N. Bahadur, Member (A)

- (1) To be referred to the Reporter or not?
- (2) Whether it needs to be circulated to other Benches of the Tribunal?
- (3) Library.


(B.N. Bahadur.)
Member (A)

sj*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.978/1999

DATED: Monday, this the 14th DAY OF AUGUST, 2000.

CORAM:

HON'BLE SHRI B.N.BAHADUR, MEMBER (A)

Mr. Dinkar Shankar Gite,
Presently working as Part Time
(for 7 hrs. daily)
under Sr. Superintendent RMS "L" Dn.
Bhusawal, 425 201
resident of Garud Plot,
Bhusawaval 425 201

..... Applicant

(Applicant by Shri S.P.Inamdar, Advocate)
vs.

1. Union of India, through
Chief Post Master General,
Maharashtra Circle,
Mumbai 400 001.
2. Sr. Superintendent RMS "L" Dn.,
Bhusawal, 425 201.
3. Head Record Officer, RMS "L" Dn.
Bhusawal 425 201.

.... Respondents

(By Shri V.S. Masurkar, Advocate)

O R D E R

[Per: B.N.Bahadur, Member (A)]

The grievance of the Applicant in this O.A. is that his services are not being regularised by the Respondents although he has put in 7 years as casual labourer, and more than five years as part time employee (7 hours daily). It is claimed by him that he had worked as casual labourer under Respondent No.2 for more than one year and 9 months during the years from 1978 to 1980 (A.1). He was then approved for appointment as an outsider, and appointed for 7 hours work per day in two vacant posts of part time workers. Applicant states that he has annexed the relevant

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documents which confirm the above facts. The averrment taken is that he was entitled to regularisation in service after acquiring temporary status in 1989, and that he is entitled, according to the relevant Scheme for grant of temporary status and regularisation of casual labour in Group D posts (Annexure A.3). Applicant claims that he has put in more than 1 years service in 240 days, and hence fulfills the conditions for grant of temporary status/regularisation. He has been deprived of this benefit by Respondent and such action is illegal.

2. The Applicant further cites the provision of the Scheme in detail, as also certain instructions issued by Govt. of India and seeks support on the basis of these documents for the releif he seeks. Details of other averrments made in the Application are not being repeated. Thus the Applicant is before us seeking, the Relief for a declaration that he is entitled for regularisation in the R.M.S. with retrospective effect from the date the benefit has been given to his junior i.e. 28.11.1989. He also seeks the allied relief of counting of service in casual status as per Rules.

3. The Respondents have filed a written statement in reply, where all averments of Applicants are denied, and it is stated that Applicant was appointed as part time weather man w.e.f. 24.2.1982 for three and half hours work per day, and subsequently allowed to work as part time p/f conveyor for an additional four hours per day w.e.f. 13.4.1993, to help him financially. This was really a situation where he was working on two different spells on different posts and he is not entitled to the benefits sought since he was only part time labourer and not a casual labourer.

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4. It is denied by Respondents that Applicant worked as casual labourer during 1978 to 1980 as alleged. There was a long break between from 1980 to 1982.

5. The learned Counsel for the Applicant Shri S.P. Inamdar argued the case in detail, asserting that applicant has always worked as casual labourer and that the Scheme notified by the Govt. entitles him to the benefits of regularisation. He took us over the documents at page 22 onwards, annexed by him, and specially referred to page 41 where item No.51 of the minutes of the Regional Meeting were focussed on. Shri Inamdar further stated that the appointment provided to him vide order dated 24.2.1982 was contrary to the contents of Order at Annexure 11. The learned Counsel for the Applicant cited a number of cases in support of his claims and made the point that the Applicant's case was squarely covered by the order made by this Tribunal on 10.2.2000 in O.A.349/99. The case of Smt.Narad which was decided (O.A.473/99) by this Tribunal also on 10.2.2000 was also depended upon.

6. Arguing the case on behalf of Respondents Shri Masurkar their Learned Counsel argued that the Applicant was a part time worker, and not a casual worker, and that the latter had to work eight and a half hours every day. Learned Counsel reiterated the grounds taken in the written statement and asserted that in 1993 another additional part time work was assigned to him, and this did not mean that he became a casual worker.

7. The Counsel for Respondents drew our attention to the Memo dated 12.12.1984, stating that the Annexure showed that Applicant was selected for engagement as outsider in a stop gap


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arrangement but opted not to join this position. Delay and latches were also alleged by Counsel for Applicant.

8. I have gone through all records in the case and considered the arguments made by learned counsels on both sides.

9. First of all I have carefully considered the Orders made in O.A.349/99 This is the case of Smt. K.K. Hedamba and I find that the case is similar to the present case of Applicant before us. I am in agreement with the reasoning made and the conclusions drawn in the Orders in case of Smt. Hedamba, and I am also convinced that the case is applicable and cover the present case. The point made on the basis of the Circular dated 17.5.1989 is that the applicant would also have to be treated as Part time casual labourer. Further the priorities laid down in the circular for regularisation are also discussed in para 7 of that order (in O.A.349/99).

10. Since detailed reasonings have been given and discussed in the case of Smt. Hedamba (349/99)  it would not be necessary for me to repeat the reasonings and discussions etc. It has to be concluded that a similar relief will need to be provided in the present case also.

11. In consequence of the above discussions, this O.A. is disposed of with the following directions to the Respondents.

The Respondent shall consider the case of the Applicant for regularisation, in the appropriate category/categories of Group D post, in accordance with the Rules and the Scheme for



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regularisation of part time casual workers.
Relevant factors like the seniority of the
Applicant shall be taken into consideration.

12. No orders as to costs.

B.N. Bahadur
(B.N. Bahadur)
Member (A) 14/08/2000

sj*