

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

(4)

O.A. NO: 146/91 199
T.A. NO: ----

DATE OF DECISION 9-3-1992

Tarachand Motiram Talmale Petitioner

Mr. L.B. Khankhoje Advocate for the Petitioners

Versus

The Supdt. Postal Stores Dept., Maharashtra Circle, Nagpur
Respondent

Mr. Ramesh Darda Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice U.C. Srivastava, Vice-Chairman

The Hon'ble Mr. M.Y. Priolkar, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ? ✓
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✓

MD

(U.C. SRIVASTAVA)

mbm*

(5)

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR**

O.A. 146/91

**Tarachand Motiram Falmale,
Parttime Waterman,
Postal Stores Deptt.
Maharashtra Circle,
Nagpur.**

.. Applicant

vs.

**The Supdt.
Postal Stores Dept.,
Maharashtra Circle,
Nagpur.**

.. Respondent

**Coram: Hon'ble Shri Justice U.C. Srivastava,
Vice-Chairman
Hon'ble Shri M.Y. Priolkar, Member(A)**

Appearances:

- 1. Mr. L.B. Khankhoje
Advocate for the
Applicant.**
- 2. Mr. Ramesh Darda
Counsel for the
Respondent.**

**ORAL JUDGMENT: Date: 9-3-1992
(Per U.C. Srivastava, Vice-Chairman)**

As a short question is involved and the pleadings are completed we have heard the counsel for both the sides and decided to dispose of the application finally. The application is admitted.

2. The applicant was appointed as part time Waterman on 27-2-1981 through Employment Exchange. Since then the applicant continued to work as such with the respondent but the respondent has not absorbed him although the applicant made representations against the same. In an application filed by the applicant viz. O.A. 288/90 decided on 20-6-1990 the Tribunal has directed to consider the case of the applicant


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for absorption in accordance with the circular dtd. 20-2-1976. As the applicant has not been absorbed he filed the present application.

It has been contended by the applicant that ~~the~~ the respondents should have absorbed him after two years. The contention raised by the applicant, as a matter of fact, is not correct.

3. So far as the the absorption of part time casual mazdoors to regular establishments, the circular provides that, they are eligible only if they have acquired experience of a minimum four years continuous service as part-time casual labour in the office/establishment to which they were appointed through employment exchange. The circular further provides that recruitment to regular establishment from outsiders may not be made till eligible casual labourers/ mazdoors and part-time casual labourers who are otherwise suitable are available. ~~xxxxxxxxxxxx~~

4. In the instant case as the applicant is available for absorption the respondent before appointing any person from outside ^{should} consider the case of the applicant as he has completed four years in accordance with the circular. He shall not be required to undergo any test as it is a non test category. The application is disposed of on the above lines with no order as to costs.


(M.Y. PRIOLKAR)
Member(A)


(U.C. SRIVASTAVA)
Vice-Chairman