

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

(6)

Original Application No: 484/91

Transfer Application No: xxxx

DATE OF DECISION 11.3.93

Shri I.D. Mane Petitioner

Shri S.P. Kulkarni Advocate for the Petitioners

Versus

Union of India and others Respondent

Shri V.M. Bendale for Mr. P.M. Pradhan Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Ms. Usha Savara, Member (A)

The Hon'ble Shri V.D. Deshmukh, Member (J)

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 ?



(V.D. DESHMUKH)
Member (J)

NS/

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 484/91

(7)

Shri T.D. Mane

... Applicant.

V/s.

Union of India through
its Secretary,
Department of Posts
Ministry of Communications
Govt. of India,
Dak Bhavan, New Delhi.

Director General,
Department of Posts
Ministry of Communications,
Govt. of India,
Dak Bhavan,
New Delhi.

Chief Postmaster General
Maharashtra Circle,
Bombay Region
Bombay.

Sr. Supdt. of Railway Mail Services
Airmail Sorting Division
Bombay

The Head Record Officer,
Airmail Sorting Divn. RMS
D.P. Posts
Bombay.

... Respondents.

CORAM: Hon'ble Ms. Usha Savara, Member (A)
Hon'ble Shri V.D. Deshmukh, Member (J)

Appearance

Shri S.P. Kulkarni, counsel
for the applicant.

Shri V.M. Bendre for Mr. P.M.
Pradhan, counsel for the
respondents.

ORAL JUDGEMENT

Dated: 11.3.93

(Per Shri V.D. Deshmukh, Member (J))

The applicant was employed as a casual labourer in the Postal Department vide order dated 20.5.86. He alleges that in March 1990 he was orally prevented from performing his duties as casual labourer. No written order of terminating his employment was issued at any time, and it is rightly submitted that as the applicant was only a casual labourer, no such written order of termination was necessary.

AS

Before passing the aforesaid oral order the applicant was issued a memorandum dated 19.2.90 alleging that his conduct during the incident of 22.4.89 was against the rules. However, we need not go into that question as it was not expressly the reason for termination of the employment of the applicant.

It was contended on behalf of the applicant that if this incident had resulted in his termination, it was necessary that regular enquiry was held and the applicant was given a hearing. We are of the opinion that as the applicant was only a casual labourer employed from time to time as and when the work was available and as he had not attained even the temporary status, there was no question of holding any regular enquiry.

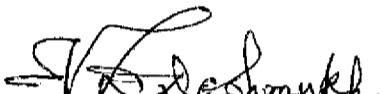
It appears that departmental casual labour examination was held on 10th December 1989 and the applicant was permitted to appear for the examination but he failed. The representation made by the applicant on 6.6.90 and 11.3.91 prima facie give an impression that the oral order of termination had resulted on failure of the applicant to pass the above examination. However, this stand has not been taken specifically by the respondents in their written statement.

Considering the material fact that the applicant was only a casual labourer, we do not find that he is entitled to any of the reliefs claimed by him in the application. However since the applicant had been working as casual labourer since 1986 to March 1990, and it is stated that the work is still available it would be just and proper that the

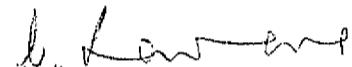
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respondents employ him as casual labourer. We therefore direct the respondents to employ the applicant as casual labourer preferably within three months.

As the applicant was a casual labourer, he is not entitled to back wages. The respondents shall also consider the applicant for regularisation if possible under the rules and if the applicant is found eligible. The application stands disposed of with the above directions.

There shall be no order as to costs.



(V.D. DESHMUKH)
MEMBER (J)



(USHA SAVARA)
MEMBER (A)

NS
