

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: 905/92.

Transfer Application No:

DATE OF DECISION: 22.06.1994.

All India Postal Employees Union,  
Bombay and two others, Petitioner

Shri G. Dattamoorthy, Advocate for the Petitioners

Versus

Chief Postmaster General, Bombay. Respondent

Shri P. M. Pradhan, Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri B. S. Hegde, Member (J).

The Hon'ble Shri M. R. Kolhatkar, Member (A).

1. To be referred to the Reporter or not ? *no*
2. Whether it needs to be circulated to other Benches of the Tribunal ? *no*

*B. S. Hegde*  
( B. S. HEGDE )  
MEMBER (J).

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(7)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH.

O.A. 905/92.

All India Postal Employees Union,  
Bombay and two others. ... Applicant.

Versus

Chief Postmaster General,  
Bombay. ... Respondent.

CORAM : 1. Shri B. S. Hegde, Member (J).

2. Shri M. R. Kolhatkar, Member (A).

APPEARANCES :

1. Shri B. Dattamoorthy,  
Counsel for the Applicant.
2. Shri P. M. Pradhan,  
Counsel for the Respondents.

ORAL JUDGEMENT :

DATED : JUNE 22, 1994.

( Per B. S. Hegde, Member (J) )

1. Heard the arguments of both the parties. The Learned Counsel for the Applicant, Shri B. Dattamoorthy, submits that the Applicants have been working for the last 8 to 10 years on long term vacancies. However, they have not been allowed to appear for the examination on the only ground that they are over aged at the time of initial engagement. He also draws our attention to circular No. 45-92/90/SPB-I dated 27.08.1990 issued by the Department Of Posts, regarding regularisation of casual workers working as Postmen with relaxation of age limit, provided they fulfill the education qualification and other requirements. He further submits that all the Applicants have fulfilled the other conditions, except the age limit, and

therefore, they may be allowed to appear for the examination.

2. In support of this, he draws our attention to Full Bench recision of this, Hon'ble Tribunal convened at Bangalore Reported vide (1992)20 ATC (FB)402) in the case of Shri G. Manjunath & Others V/s. Postmaster General, Bangalore and Others, wherein a similar issue has been considered by the Bangalore Bench <sup>which</sup> passed the following order :-

"The applicants have undisputedly worked against the long term vacancies during the last 5 to 8 years and have completed 240 days service in one or more years. Further, they held these posts even after the 10 per cent leave reserve as provided in the cadre of Postman has been fully utilised. They have been working against clear and regular vacancies. Despite the above, they do not acquire any right to continue in these posts unless they qualify in the examination prescribed in the Recruitment Rules 1969. For this purpose, they shall be allowed two additional chances duly granting them relaxation of age, if required, to enable them to appear in the said examination. Further, their services shall not be dispensed with till they have availed of the said two additional chances to qualify in the prescribed examination in terms of 1969 Recruitment Rules. If they qualify in the examination they should be considered for regularisation against the posts of Postmen and not otherwise."

3. When the query was made to the Learned Counsel of the Respondent why they should not be given an opportunity to appear for the examination, he did not have any serious objection.

4. In the circumstances, this Tribunal hereby gives direction to the Respondent to allow the Applicants to appear for the said examination and give two opportunities to pass the said examination, considering their long number of years of services. Those who have passed in the examination, their services may be regularised. Till the results for the said examination are published, they may be allowed to continue in the same posts on daily wages. Accordingly, the O.A. stands discharged. Copy to both the parties.

M. R. Kolhatkar

(M. R. KOLHATKAR)  
MEMBER (A).

B. S. Hegde

( B. S. HEGDE )  
MEMBER (J).

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