

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: 822/92

~~Transferred to other Bench~~

DATE OF DECISION: 21-2-1995

Shri P.D. Baglani Petitioner

Shri S.P. Kulkarni for Advocate for the Petitioners  
Shri K.D. Kulkarni,

Versus

Union of India & Ors. Respondent

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

CORAM :

The Hon'ble Shri Justice M.S. Deshpande, Vice Chairman

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

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

  
(M.S. Deshpande)  
Vice - Chairman

(4)

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 822/92

Shri P.D. Baglani ... Applicant

v/s

Union of India & Ors. ... Respondents

CORAM :

- 1) Hon'ble Shri Justice M.S. Deshpande, Vice Chairman
- 2) Hon'ble Shri M.R. Kolhatkar, Member (A)

APPEARANCE :

- 1) Shri S.P. Kulkarni for Shri K.D. Kulkarni, counsel for the Applicant.
- 2) Shri P.M. Pradhan, counsel for the Respondents.

ORAL JUDGEMENT

DATED: 21-2-1995

(Per: Hon'ble Shri Justice M.S. Deshpande, Vice Chairman)

1. It is a common ground that the Applicant was engaged as a part-time casual labourer from August 1975 and is being paid Rs. 565/- per month for putting in 4 hours of work daily. Though the Applicant has raised the contention that he was entitled to regular absorption on the basis of the order dated 17-11-1983, the Respondents contended that the order produced is not genuine. Shri Kulkarni for the Applicant has clearly stated before us that the Applicant is not only entitled as per the order dated 17-11-1983, but is claiming his post on the basis of admitted position that the Applicant was working as casual labourer on part time basis from 1975 to date. It is common ground

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that even at a later stage the Applicant has remained as an outsider. Though the Applicant has sought 3 reliefs by this petition, the first two reliefs are not being pressed. The third relief which is being sought is that the Applicant be declared as appointed in the cadre of mail-man from the date   his immediate junior is appointed. Shri Kulkarni, however, states that direction be given to the Respondents for absorption of casual labourers in view of the decision of the CAT - Full Bench - Hyderabad in Smt. Sakkubai and Anr. v/s The Secretary, Ministry of Communications, & Ors. - A.T. Full Bench Judgments 1991-93, P. 18 which lays down that a part-time employee is entitled to the benefit of the scheme framed in respect of casual labourer who have been working from last 18 years. In the instant case before us, the Applicant has been working as casual labourer for nearly 20 years. We, therefore, direct that in view of the decision of the Full Bench, the Respondents shall give the benefit of the scheme framed in respect of casual workers for absorption in Group 'D' posts in accordance with Casual Labour (Grant of Temporary Status and Regularisation) Scheme. The Applicant would not be entitled to any arrears of emoluments arising out of this direction. The Respondents should comply with the above direction within six months from the date of receipt of the orders.

*M.R.Kolhatkar*

(M.R. Kolhatkar)  
Member (A)

*M.S. Deshpande*

(M.S. Deshpande)  
Vice Chairman