

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Original Application No:1016/93.

Date of Decision:5/6/98

Shri Dilip Hilal Thakur

Applicant.

Shri S.P.Kulkarni.

Advocate for  
Applicant.

Versus

Union of India

Respondent(s)

Shri S.S.Karkera for Shri P.M.Pradhan

Advocate for  
Respondent(s)

CORAM:

Hon'ble Shri.D.S.Baweja, Member (A)

Hon'ble Shri,

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

abp.

(D.S.BAWEJA)  
MEMBER (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GULESTAN BLDG.NO.6PRESCOT ROAD, FORT,

MUMBAI - 400 001.

ORIGINAL APPLICATION NO.1016/93.

DATED THE 5TH DAY OF JUNE, 1998.

CORAM: Hon'ble Shri D.S.Baweja, Member(A).

Shri Dilip Hilal Thakur,  
Waterman-Sweeper-cum-chowkidar,  
Dhule Postal Divisional Office,  
Dhule-424 001.

... Applicant.

By Advocate Shri S.P.Kulkarni.

V/s.

Union of India  
through;

Sr.Suptd. of Post Offices,  
Dhule Postal Division,  
Dhule-424 001.

... Respondents.

By Advocate Shri S.S.Karkera  
for Shri P.M.Pradhan.

I O R D E R I

I Per Shri D.S.Baweja, Member(A) I

1. This OA has been filed seeking several reliefs including grant of temporary status.
2. The OA was disposed of as per the order dated 2/4/97 with the direction to the respondents to consider the applicant for grant of temporary status in terms of the rules laid down.
3. The respondents have file a review application No.75/97 seeking a review of the order dated 2/4/97 on the plea that the judgement of the Full Bench in the case of Sakubai & Anr. v/s. Secretary, Ministry of Communication and Ors, based on which the order dated 2/4/97 was passed has not been upheld by the Supreme Court under Civil Appeal No.300-301 of 1994. The Review application was heard and the prayer made by the respondents was allowed as per the order dated 9/1/98. It is also provided in this order that since the applicant had raised several other issues in the OA which were not considered

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on merits in the earlier order dated 2/4/97, the matter should be heard again so that the issues other than the grant of temporary status can be considered on merits. In view of this order, the OA has been listed for final hearing today.

4. Heard the arguments of Shri S.P. Kulkarni for Applicant and Shri S.S. Karkera for Shri P.M. Pradhan for <sup>the</sup> Respondents. The Learned counsel for the applicant made a statement <sup>at</sup> across the bar that he does not press for any other reliefs other than relief No.8(d). In view of this, this relief is only being considered on merits. Arguments were heard.


5. Through Relief No.8(d), the applicant has sought direction to be issued to the respondent's office that the seniority of the applicant as a Casual Labourer awaiting absorption to regular post be issued. After considering the facts of the case and the arguments advanced, such a prayer cannot be allowed. It is not the case of the applicant that seniority list of casual labourers for regular absorption has been issued and the applicant's name has not been included as per his entitlement. It is also not the case of the applicant that juniors to the applicant have been regularised. During the arguments, the counsel for the applicant <sup>however</sup> pleaded that the main concern of the applicant is that he should be considered for regularisation which according to him he is entitled to.

6. After going through the averments made by the respondents, it is noted that respondents have submitted that part time casual labourers are not entitled for grant of temporary status <sup>but are</sup> ~~or~~ entitled for regular absorption along with the regular casual employees as per priorities set out in the letter dated 17/5/89. The respondents have also stated that the applicant shall be considered for absorption <sup>on</sup> under his own turn.

7. Keeping in view the above referred submissions of the respondents, I am of the considered opinion that no specific direction is required to be issued to the respondents

in respect of relief No.8(a). The OA can be disposed of with the direction to the respondents that as indicated by them, the case of the applicant shall be considered for regularisation in his own turn., as per the rules. The OA is disposed of accordingly. No orders as to costs.

abp.

  
(D. S. BAWEJA)  
MEMBER (A)

(3)