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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

C.P. 127/94 in

Original Application No. 786/93

S.Y. Vanjare and 35 others

... Applicants.

V/s.

Smt. Aparna Mohile,
Chief Post Master
General, Maharashtra
Circle, C.P.O. Bombay.

Shri B.M. Jone
Superintendent
P.S.D. Dadar
Bombay.

... Respondents.

CORAM: Hon'ble Shri Justice M.S. Deshpande, Vice Chairman
Hon'ble Shri P.P. Srivastava, Member (A)

Appearance:

Shri D.V. Gangal, counsel
for the applicant.

Shri S.S. Karkera for Shri
P.M. Pradhan, counsel for
the respondents.

Tribunal's order

Dated: 5.6.95

[Per Shri M.S. Deshpande, Vice Chairman]

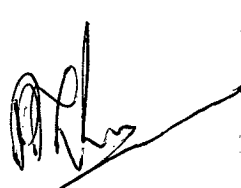
Contempt Petition No. 127/94 has arisen out of the directions given by this Tribunal in the Judgement in O.A. 786/93 delivered on 8.11.93. The directions to the respondents were to extend the benefit of the approved scheme for regularisation to the applicants within a period of six months as in the earlier case i.e. in O.A. 688/88 (Vilas Manohar Joshi and Ors. V/s. Union of India and Ors.) decided on 20.4.93. It was there mentioned that the question of arrears would not arise as the minimum of the time scale had been already granted to the applicants. The submission on behalf of the applicant in the C.P. is that the same benefits which were given to Joshi's case have not been given to the present applicant. In Joshi's case the respondents contended that a scheme

had been prepared for the other categories except the non test category. Such a scheme had to be prepared covering the present category and 54 of the present applicants had to be given the benefit of that scheme.

The learned counsel for the respondents stated that though there was a direction to prepare the scheme analogous to the one prepared pursuant to the Supreme Court direction in respect of Daily Rated Casual Labour employed under Posts & Telegraphs Department V/s. Union of India (1987 SC 2312), such a scheme had not been prepared but instead orders were issued as per the order dated 28.3.94 at page 37 of the present C.P. The order dated 28.3.94 took note of the fact that necessary declarations were furnished by the applicants in Joshi's case and subject to the production of medical fitness certificate from appropriate authority the applicants were to be appointed on purely temporary basis as Grade D NTC and the employees were to be kept on probation for a period of two years in the departments shown against their names. By the letter No. 45-95/87-SPB I dated 12.4.91 regarding "Casual Labourers (Grant of Temporary status and Regularisation) Scheme (Annexure I) a clear direction was given that the casual labourers may be regularised in units other than recruiting units also, subject to availability of vacancies. There is some controversy about the number of vacancy available. According to the applicant there are 19 vacancies in Test category and 13 vacancies in non-test category making a total of 34 posts. Reliance is also placed on the letter dated 16.5.95 sent by the Superintendent of Post Offices to the Director (City) Office of the Chief

P.M.G. Maharashtra Circle, Bombay by which the Superintendent made a proposal for creating additional posts for accommodating the present applicants. Ultimately it will be for the Government to consider whether the additional posts as requested by the letter dated 16.5.95 should be created or not and that cannot be an issue in the present Contempt Petition.

After considering the rival contentions and taking into account the submission made by the respondents that the seniority list has been prepared and the applicants name has been shown in that seniority list, the only direction we need make in the present Contempt Petition is that the respondents should prepare a scheme on a rational basis for absorbing as far as possible the casual labourers who have been continuously working for more than one year. Needless to say that the benefits accorded in Joshi's case should be accorded after determining the eligibility on those lines of the present applicants for regularisation in the available vacancies. With these directions we dispose of the Contempt Petition. There will be no order as to costs.


(P.P. Srivastava)
Member (A)


(M.S. Deshpande)
Vice Chairman

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