

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO: 549 & 550/94.

Date of Decision: 22.7.1998

P.D.Panchmukh & Ors.

.. Applicant

Shri D.V.Gangal.

.. Advocate for  
Applicant

-versus-

Union of India & Anr.

.. Respondent(s)

Shri S.S.Karkera.

.. Advocate for  
Respondent(s)

CORAM:

The Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman,

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

(1) To be referred to the Reporter or not ? *yes* *WV*

(2) Whether it needs to be circulated to other Benches of the Tribunal ? *WV*

*R.G.Vaidyanatha*  
(R.G.VAIDYANATHA)  
VICE-CHAIRMAN.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, MUMBAI.

1. ORIGINAL APPLICATION NO.549 /94,  
2. ORIGINAL APPLICATION NO.550 /94.

Wednesday, this the 22nd day of July, 1998.

Coram: Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman,  
Hon'ble Shri D.S.Baweja, Member(A).

1. P.D.Panchmukh,
2. S.M.Dukhande,
3. A.N.Bhosale,
4. S.D.Vairal,
5. C.D.Kamble,
6. R.V.Gangurde,
7. R.G.Parab,
8. R.A.Parab,
9. N.S.Kamble,
10. G.V.Kamble, and
11. A.R.Kushwa, ... (Applicants in OA 549/94).  
Room No.4,  
Chawl No.118,  
Western Railway Kamgar  
Colony, Konark Bunder,  
P.D'Mello Road,  
Bombay - 400 001.

12. Z. Jaiswal.

1. S.S.Kadam,
2. P.D.Kamble,
3. B.S.Sable,
4. V.S.Kadam,
5. S.R.Bane,
6. M.A.Kamble,
7. S.M.Tambel, and
8. A.R.Bane, ... (Applicants in OA 550/94)  
All applicants are working  
as Helpers/Coolies in the  
G.P.O. Bombay on casual basis.  
(By Advocate Shri D.V.Gangal).  
V/s.

1. Union of India through  
Post Master General,  
General Post Office,  
Bombay - 400 001.
2. The Director,  
General Post Office,  
Fort, Bombay - 400 001. ... (Respondents in both  
OAs. 549 & 550/94.)  
(By Advocate Sh. S.S.Karkera)

O R D E R

(Per Shri Justice R.G.Vaidyanatha, Vice-Chairman)

These are two applications filed by various

...2.



applicants seeking regularisation of service and for other reliefs. The respondents have filed reply opposing both the applications. We have heard the counsels appearing on both sides.

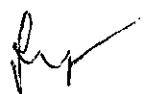
2. O.A. 549/94 is filed by 11 applicants. Though originally 15 applicants had filed the application, it is now restricted to applicants No.1 to 11 and the other names have been deleted. In O.A. 550/94, the application is filed by 8 applicants. All these applicants are claiming that they are working as Casual Labourers/Casual Coolies in the Postal Department since many years and their services are to be regularised.

The respondents reply is that the applicants are not Casual Labourers in that sense, but they are coolies employed par-time as and when there is work.

3. In our view, it is not necessary to go into the details of the pleadings, since the point is covered by two direct decisions of the Apex Court pertaining to similar types of Coolies or Casual Labourers working in the Postal Department.

In SLP (Civil) No.16063 of 1995) in the case of Union of India & Ors. V/s. S.Y.Vanjare & Ors. this Tribunal had granted regularisation to similar types of Coolies or Casual Labourers working in the Postal Department. The Postal Department carried the matter in appeal before the Supreme Court. The Supreme Court set aside the order passed by this Tribunal, but gave a direction to the Department to consider the claim of the Respondents in the light of the Judgment in State of Haryana & Ors. V/s. Piara Singh & Ors. (1992 (4) SCC 118).

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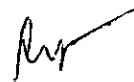


Similarly, it is brought to our notice that the Full Bench of this Tribunal had taken the view that even part-time employees in Postal Department are entitled to get temporary status under the Casual Labour (Grant of Temporary Status and Regularisation) Scheme, 1991. When the matter was taken in appeal before the Supreme Court (Secretary, Ministry of Communications and Ors. V/s. Sakkubai and Anr. - (1998(1) SC SLJ 180)) on behalf of the Department, the Supreme Court held that part-time Casual Workers in Postal Department will not get temporary status. Therefore, the view of the Full Bench was reversed by the Supreme Court. However, the Department conceded before the Supreme Court that even these Part-time Casual Labourers can be absorbed in terms of their letter dt. 17.5.1989, subject of course, the candidates fulfilling the eligibility criteria. The Supreme Court, therefore, allowed the appeal and recorded the clarification made <sup>by</sup> on the department that necessary action will be taken as per the letter dt. 17.5.1989 and the claim of the respondents in that case for absorption will be considered.

4. In our view, in the light of the two decisions given by the Apex Court pertaining to similar type of part-time casual labourers in the Postal Department, we feel that both these O.As. can be disposed of by giving similar directions.

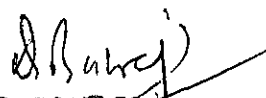
It is brought to our notice that applicants are being continued by virtue of the interim order passed in these two O.As. In our view, the applicants should be continued in the present work which they are doing provided there is availability of work in the Department. The respondents are also to consider the case of applicants


...4.



for absorption in the light of the Circular dt. 17.5.1989 as and when vacancy arises and as per their turn subject to the applicants fulfilling the eligibility criteria as mentioned therein. It is also brought to our notice that the applicants though were being paid wages individually earlier are not now being paid wages individually, but are being paid through one of them. In our view, this arrangement should not be continued and the applicants should be allowed to get wages individually for whatever work they do in future.

5. In the result, both the O.As. are allowed partly in the light of the observations and directions given in para 4 above. A copy of this order be communicated to the respondents and the respondents to take appropriate steps in the light of these directions according to rules. In view of the O.As. being disposed of, the M.Ps. No.291, 80, 251/96 and C.P. 120/94 stand disposed of. No costs.

  
(D.S. BAWEJA)  
MEMBER (A)

  
(R.G. VAIDYANATHA)  
VICE-CHAIRMAN.

B.