

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.572/95

DATE OF DECISION:

The 16 th Day of June 2000

Shri Liyakat Muzafar Shaikh Applicant

Shri S.P. Inamdar, Advocate for
Applicants.

Versus

The Sr. Supdt. of Post Office, & Ors., Respondents

Shri S.S.Karkera, Counsel for Shri P.M. Pradhan, Counsel
for Respondents

CORAM

Hon'ble Shri L. Hmingliana, Member (A)

Hon'ble Shri Rafiquddin, Member (J)

(1) To be referred to the Reporter or not? Yes

(2) Whether it needs to be circulated to other Benches of the Tribunal? NO

(3) Library. Yes

Rafiquddin
(Rafiquddin)
Member (J)

sj*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.572/95
DATED THIS 16th DAY OF JUNE, 2000.

CORAM: HON'BLE SHRI L.HMINGLIANA, MEMBER (A)
HON'BLE SHRI RAFIQUDDIN, MEMBER (J)

Shri Liyakat Muzafar Shaikh
Jeep Driver, Bombay City East Division
Chakala MIDC Post Office,
4th floor,
Andheri (East),
Bombay 400 020.

.... Applicant

(By Advocate Shri S.P.Inamdar,)

vs.

1. The Sr. Supdt. of Post Office
Bombay City East Dn.
Dadar Post Office Bldg.
3rd floor,
Dadar, Bombay 400 014.
2. The Director of Postal Services
Bombay Region
O/o The Chief Post Master General
Maharashtra Circle, Mumbai 400 001.
3. Union of India
Through, The Chief Postmaster General
Maharashtra Circle
Bombay 400 001.

.... Respondents.

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

(ORDER)

[Per Shri Rafiquddin, M(A),]

1. The Applicant is a regular Group 'D' employee of the Respondents. According to the Applicant the Senior Superintendent of Post Office, Mumbai City (Respondent No.1) vide his Order dated 7.5.1987 (A.6) directed him to work as Jeep

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Driver. The Applicant also on demand of Respondent No.1 had given in writing vide application dated 8.5.1987 (Annexure A/7) that he was willing to work as a Jeep Driver on the Pay Scale of Group D till the post of jeep Driver is sanctioned. The post of driver carries better pay scale.

2. The grievance of the Applicant is that despite his having been working as jeep driver for more than 8 years, the Respondents have not considered the regularisation of his service as Jeep Driver. The Applicant also apprehends that the allotment of Govt. Quarter allotted to him as jeep driver, will be cancelled and applicant would be evicted from the same by the Respondents. The Applicant has, therefore, filed the present OA for the direction to the Respondents to take his test/examination treating him a candidate from the departmental quota and regularise his service as jeep driver giving preference over the outside candidates and also not to cancel the allotment of quarter, and evict him all of a sudden.

3. We have heard counsels for both sides and perused the record.

4. It is an admitted position that Applicant has been permitted by the Respondents to work as jeep driver on the basis of his representation/Application to work as Jeep Driver in the Pay Scales of Group D till the post of Jeep Driver is created. The learned Counsel for the Respondents has fairly admitted that the applicant was allowed to work as jeep driver since 9.5.1987 on

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his aforesaid representation and since departmental sanction for the post of jeep has not been received, the claim of the applicant could not be considered for regularisation of the services.

5. It is further submitted that post of jeep driver is to be sanctioned by the Department and after sanctioning of the posts the selection for jeep driver has to be made by Respondent No.1. In case the Applicant is found suitable and fit for the post and if he applies for the post, his case will be considered for regularisation.

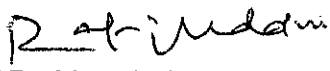
7. The learned counsel for the Applicant has placed reliance on a ~~that~~ case decided by the Ernakulam Bench of the Tribunal, viz., "M.P. Paul vs. UOI 1995 (29) ATC 461" in which a Group D employee of Tele Communication Department who was discharging the duty of driver, his claim to emoluments of regular Driver was upheld on the basis of principle of equal pay for equal work. However, we find that the facts of the present case are entirely different from the facts of the present case because firstly, the Applicant has not claimed any relief regarding payment of his salary on the other hand, he admittedly filed a claim before the Labour Court which has decided his claim for payment of wages on merits. Secondly, the Applicant has been receiving his Pay and Allowances as group D employee whereas in the case cited above the Applicant was being paid Rs. 4 per day as Casual labourer.

8. In view of the above discussion, we direct the Respondents to consider the case of the Applicant for regularisation of his service as Jeep Driver as and when the vacancy arises within the

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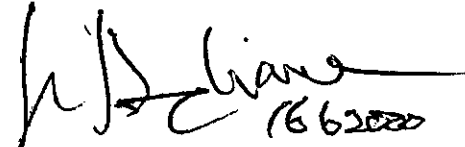
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administrative control of Respondent No.2, as per rules. The
O.A. is disposed of accordingly. No order as to costs.


(Rafiquddin)

Member (J)

sj*


(L.Hmingliana)

Member (A)