

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 343.9797
400/97

DATE OF DECISION: 31/05/2001

Shri C.V.Magar

Applicant

Shri S.P.Kulkarni

-----Advocate for
Applicant.

Versus

Union of India & 2 Ors.

-----Respondents.

Shri S.S.Karkera for Shri P.M.Pradhan Advocate for
-----Respondents.

Coram:

Hon'ble Shri S.L.Jain, Member(J)
Hon'ble Shri Govindan S Tampi, Member(A)

1. To be referred to the Reporter or not? Yes
2. Whether it needs to be circulated to No other Benches of the Tribunal?
3. Library. Yes

S.L.JAIN
(S.L.JAIN)
MEMBER(J)

abp

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:343/1997
AND 400/1997
DATED THE 31st DAY OF MAY, 2001

CORAM:HON'BLE SHRI S.L.JAIN, MEMBER(J)
HON'BLE SHRI GOVINDAN.S.TAMPI, MEMBER(A)

Shri Chandrakant Vishnu Magar,
Working as Outsider Postman,
(Casual Labour), Vashi Post Office,
Navi Mumbai

Applicant in OA-343/97

Shri Jitendra Dadabhau Waghmare,
Working as Casual Labour (Outside Postman),
at Airoli, Node Post Office,
Navi Mumbai.

Applicant in OA-400/97

By Advocate Shri S.P.Kulkarni

V/s.

Union of India,

Through:

1. Superintendent of Post Offices,
New Bombay Division,
At P.O.Panvel, New Bombay.
P.O.Panvel - 410 206.
2. Director of Postal Services,
Mumbai Region (City),
Office of the City Postmaster General,
Old G.P.O.Building, Fort,
Mumbai - 400 001.
3. Postmaster General (B.R.),
Mumbai Region,
Office of the Chief Postmaster General,
Old G.P.O. Building, Fort,
Mumbai - 400 001.

... Respondents in OA-
343/97 and 400/97

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

(ORAL)(ORDER)

Per Shri S.L.Jain, Member(J)

These two OAs (343/97 and 400/97) are being decided
together as a common question of law is involved.

...2.

S.C. (Signature)

2. In OA 343/97, the applicant is praying vide para 4.3 of the OA that he has worked for 256 days w.e.f. 1992 to 1997 with breaks. According to him he has completed 240 days in the year 1993 and 1995. The fact is being disputed by the respondents.

3. In OA-400/97, in para 4.3, the applicant has claimed that he has worked for 256 days in 1992 and 251 days in the year 1996.

The respondents have also disputed the working days of applicant in OA-400/97.

4. On perusal of the reliefs sought, we find that the applicants have claimed a direction to the respondents not to terminate their services and continue to allow them to work on casual basis and allow them to appear for the competitive examination of Postman cadre in the Outsider quota by extending the benefit of Full Bench judgement in G Manjunath's case.

5. The learned counsels for both the parties have stated that the services of the applicants have been terminated due to non availability of work.

6. The learned counsel for the applicant argued that on availability of work, the applicants' be provided with work on the basis of first come first serve. In granting the said relief there cannot be any objection.

7. The learned counsel for applicant relied on G Manjunath and Ors. V/s. The Post Master General, Bangalore and Ors in OA No.1155/89 to 1168/89 decided on 19/4/1991. He has placed reliance on para 16(i) of the order which is as below:-

(i) The applicants have undisputedly worked against the long term vacancies during the last 5 to 8 years and have completed 240 days service in one or more years. further, they held these posts even after the 10 per cent leave reserve as provided in the cadre of Postman has been fully utilised. They have been working against clear and regular vacancies. Despite the above they do not acquire any right to continue in these posts

unless they qualify in the examination prescribed in the Recruitment Rules, 1969. For this purpose, they shall be allowed two additional chances duly granting them relaxation of age, if required, to enable them to appear in the said examination. Further their services shall not be dispensed with till they have availed of the said two additional chances to qualify in the prescribed examination in terms of 1969 Recruitment Rules. If they qualify in the examination, they should be considered for regularisation against the posts of Postman and not otherwise."

8. When the facts are disputed by the respondents, we order that the applicant's counsel is permitted to examine the records which is available with the respondents themselves today before the Tribunal and if the applicants have worked for 240 days or more, they be provided two additional chances with relaxation in age to enable them to appear in the said examination. After examination by the applicants counsel the record, the applicant's counsel shall submit the result thereof to the respondents within a week. The applicants shall be allowed to work on availability of work on the basis of first come first serve basis. The OAs are disposed of with the above directions.

No orders as to costs.

(GOVINDAN S TAMPI)
MEMBER(A)

abp

S.L.JAIN
(S.L.JAIN)
MEMBER(J)