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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.1044 of 1991

DATE OF JUDGMENT: 12th August, 1993

BETWEEN:

Mr. P.P.Jacob

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Applicant

AND

1. The Senior Superintendent of Post Offices,
Hyderabad South East Division,
Hyderabad.
2. The Director of Postal Services,
Andhra Pradesh Northern Region,
Hyderabad.
3. The Postmaster General,
Hyderabad Region,
Hyderabad.

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Respondents

APPEARANCE:

COUNSEL FOR THE APPLICANT: Mr. S.Ramakrishna Rao, Advocate

COUNSEL FOR THE RESPONDENTS: Mr. N.V.Ramana, Addl.CGSC

CORAM:

Hon'ble Shri Justice V.Neeladri Rao, Vice Chairman

Hon'ble Shri P.T.Thiruvengadam, Member (Admn.)

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

The applicant was engaged as Part-time Casual Electrician with effect from 1.8.1978 in the office of the 1st respondent for six hours per day. From 1.7.1986, he was given 8 hours duty per day on a consolidated amount. He was not paid on Saturdays and Sundays. This OA was filed praying for a direction to the respondents to consider the case of the applicant.

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on the same analogy of Group 'D' officials under the scheme formulated by the Director General (Posts) in compliance with the Supreme Court directives in AIR 1987 SC 2342 and to bestow temporary status and to pay the consequential benefits.

2. The Supreme Court ^{had} ~~have~~ not directed for evaluation of the scheme for regularisation of employees in Group 'C'. Even the Postal Board have not taken any decision to that effect. It is not shown that a number of Group 'C' officials are engaged on adhoc basis for number ^{of} years. In the absence of such ^{facts} ~~stand~~, the Tribunal cannot direct the respondents to formulate a scheme for regularisation of Group 'C' officials appointed on adhoc basis or to follow the scheme evaluated in regard to the Group 'D' officials. It is to be further seen that generally the educational qualifications are not required in regard to Group 'D' officials. The ^{direct} recruitment to Group 'D' is only in regard to the unskilled category. But ~~the~~ minimum educational qualification/technical qualification is required in regard to Group 'C'. Hence, it is not ~~the~~ matter for evaluating the scheme for regularising Group 'C' officials. Ofcourse, it is altogether different if for want of recruitment for Group 'C' for a number of years, qualified candidates are appointed on adhoc basis. In such ^{case}, the concerned may take a decision for regularisation.

3. This is a stray case where the applicant was allowed to continue to work on adhoc basis for more than 15 years. There will be either open competition or engagement of candidates ~~by~~ sponsored by the Employment Exchange for filling up the post in Group 'C' by direct recruitment. In such ^{case}, it is not just and proper to

Copy to:-

1. The Senior Superintendent of Post Offices, Hyderabad South East Division, Hyderabad.
2. The Director of Postal Services, Andhra Pradesh Northern Region, Hyderabad.
3. The Postmaster General, Hyderabad Region, Hyderabad.
4. One copy to Sri. S. Ramakrishna Rao, advocate, CAT, Hyd.
5. One copy to Sri. N.V. Ramana, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

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direct the respondents to regularise the services of the applicant as Electrician in Group 'C'.

4. But having regard to the fact that the applicant is working on adhoc basis for more than 1½ decades, the Chief Postmaster General, A.P.Circle, by his letter dated 2.12.1991 ordered the 1st respondent herein to regularise the services of the applicant as Lift Operator in the Circle Office in the clear vacancy available. But the requisite qualifications for the post of Lift Operator are, 8th Standard passed, experience of one year in operation of lifts, and the candidate must also possess a valid certificate of registration for operation of lifts, if so required under the law. Mr. N.V.Ramana, learned Standing Counsel for the respondents submitted that there is such a requirement under the law for the Andhra Pradesh State. Be that as it may, it is clear that the applicant is not having experience of one year in the operation of lifts and as such he is not eligible for the post of Lift Operator.

5. But as the Chief Post Master General himself felt that the applicant has to be regularised in a post, it is just and proper to direct the 1st respondent to absorb the applicant in Group 'D' post in the next available vacancy in Group 'D' by giving age relaxation if necessary.

6. OA is ordered accordingly. No costs.

P.J.L.S. (Dictated in the open Court).

(P.T.THIRUVENGADAM)
Member (Admn.)

(V.NEELADRI RAO)
Vice Chairman

Dated: 12th August, 1993.

vsn

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Dy. Registrar (Admn.)

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O.A. 10441

TYPED BY

COMPARED BY.

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M(A)

Dated: 12/8/1993

~~ORDER/JUDGMENT~~

~~M.A./R.A./C.A.No.~~

O.A.No.

T.A.No.

(W.P.)

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

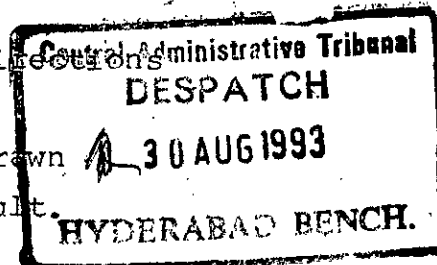
Dismissed

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered

No order as to costs.



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