

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD

O.A. No 105909 1992

Between:-

N. Ganeshan S/o. T.D. Nagrajan, aged 26 years resident of
11-3-369/A/6, Srinivas Nagar, Parsigutta,
Secunderabad-500 361. ... Applicant

A n d

- 1) The Secretary Ministry of Communication
Dept of Posts-Dak-Bhavan, New Delhi-110001.
- 2) The Chief Postmaster General Andhra Circle,
Hyderabad-110001.
- 3) The Director of Postal Services
O/o. The Postmaster General Andhra Circle,
Hyderabad - 500 001.
- 4) Senior Supdt. of Post Offices,
Hyderabad Division, Hyderabad - 500 001.
- 5) Senior Postmaster,
Khairatabad Head Office,
Hyderabad-500 004. Respondents

Address for Service
of Notice.

S.D. Kulkarni,
Advocate,
Neel Rekha,
99, Postal Colony,
Trimulgherry,
Hyderabad-500 015.

Details of Application:

1. Particulars of the order against which the application is made In action of the respondents to confer Temporary Status and absorb applicant as Group D Official.

2. Jurisdiction of the Tribunal:

The applicant declares that the subject matter of the order against which the applicant wants redressal is within the jurisdiction of the Tribunal under section 14(1) of the Administrative Tribunal Act 1985.

3. Limitations:

The applicant further declares that the application is within the limitation period prescribed in section 21 of the Administrative Tribunal Act 1985.

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4. Facts of the case:

- i) The applicant respectfully submits that he was appointed as part-time contingent mail carrier (Casual Labourer) by the Postmaster (Gazetted) Khairatabad w.e.f. 14.11.84 vide his Memo No. B/contingent/N.Ganeshan/84-85 dt. 14.11.1984 at Khairatabad head Post Office (ANX-I).
- ii) The applicant further submits that he is continuously Mail carrier (Casual Labourer) from 14.11.1984 till this date and completed Eight ~~ay~~ years of continuous service in this post.
- iii) The applicant is drawing consolidated pay and allowance Rs. 1030 for month as per pay certificate issued by the Postmaster Khairatabad on 11.11.92 (ANX-II).
- iv) The applicant was awarded appreciation certificate by Senior Supdts. of Post Office, Hyderabad City Division Hyderabad on 28.07.1987 (ANX-III).
- v) The applicant submitted a representation to the Sr. Supdt. of Post Offices Hyderabad City Division on 24.8.91 for appointment in group D post in Hyderabad City Division (ANX IV).

5. Grounds for relief with legal provisions:

- i) In pursuance of the Supreme Court Judgement regarding absorption of Casual/Part time Workers Govt. of India Department of Posts issued detailed instructions vide Memo No. 2-10/88 PER dated: 11.3.89 for absorption of Casual/Part-time Workers, ~~or~~ who have put in one year service on 20.10.1987.
- ii) Further in pursuance of the directives of the Supreme Court of India the Director General New Delhi vide letter No. 269-1/89 Stn. dated: 9.5.1989 further decided that part time/ casual labourers who have been performed duties for four hours or more per day will be eligible for consideration treating half day for calculation of service (ANX-V).

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G.P. Contd.
G.P. Contd.

iii) The Director (ST) Postal Directorate New Delhi, vide letter No. 45-99/87/SPE-1 dated: 24.4.91 issued detailed instructions regarding confirring of temporary status and regularisation of services of Casual/part-time workers who were in employment as on 20.11.89 and who continue to be currently employed and have rendered continuous service of at least one year. During the year they must have been engaged for a period of 240 days (ANX-VI).

iv) Their Lordships Hon'ble Justice S.P. Mukerji and Justice Hon'ble Mr. N. Dharmanandan discussed at length the need for regularisation of services of Casual workers in case V.K. Damodaram V/s. The Defence Pension Disbursing office decided on 27.3.1991 (OA 351 of 1991 Ernakulam Bench).

6. Details of remittes exhausted:

The applicant declares that he has availed of all the remedies available to him under the relevant service Rules.

Applicant submitted representation to the Sr. Supdt. of Post Office, Hyderabad Division, Hyd. on 24-8-91 for which no reply has been received. (ANX-IV)

7. Matters not previously filed or pending with any other Court:

The applicant further declared that he has not previously filed any application writ petition or suit regarding the matter in respect of which this application has been made before any Court or any other authority or any other bench of the Tribunal nor any such application and petition or suit is pending before any other Court.

8. Relief Sought:

In view of the facts mentioned in para-4 and para 5 above the applicant prays for the following relief.

The applicant respectfully prays Hon'ble Tribunal to direct respondents to treat the applicant as full time casual worker for the purpose of grant of temporary status with all consequential benefits of bonus etc., and regularisation of his service in accordance with the scheme promulgated by the Director (ST) Postal Directorate New Delhi, vide letter No. 45-99/8, SPE 1, dated: 24.4.1991 (ANX-IV).

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9. Interim orders of any prayed for - Nil.

10. Does not arise.

11. Particulars of the postal order filed in respect of the application fee.

1) No. of Postal order 8 C.V. 62 1761
2) Office of issue Hyderabad Q.P.
3) Date of issue 30-11-92
4) Office of payment Hyderabad Q.P.
5) \rightarrow fo. 50/- A

12. List of enclosures:

~~(P.O./S.O./D.D./R.P.M.)~~

Vakalat Postal order and material papers as per Index.

VERIFICATION

I, N. Ganeshan S/o T.D. Nagarajan aged 26 years, resident of 11-3-369/A/6, Srinivas Nagar, Parsigutta, Secunderabad - 500 361, working as Part-time Contingent mail carrier at Khairatabad H.O., do hereby verify that contents of para 1 to 4 and 6 to 12 are true to my personal knowledge and para 5 believed to be true on legal advice and that I have not suppressed any material facts.

N. Ganeshan.

Signature of the Applicant.

S.D. Kumar
Causet

Hyderabad

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