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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.1325/94.

Dt. of Decision : 30-07-97

T.Nookaraju

.. Applicant.

Vs

1. The Chief Postmaster General,
Andhra Area, Hyderabad.
2. The Postmaster General,
Visakhapatnam.
3. The Director of Postal Services,
Visakhapatnam Region,
Visakhapatnam.
4. The Superintendent of Post Offices,
Vizianagaram-2.
5. The Postmaster,
Contonment Post Office,

Counsel for the applicant : Mr.P.B.Vijayakumar

Counsel for the respondents : Mr.V.Rajeswara Rao for
Mr.N.V.Ramana, Addl.CGSC.

CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

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ORDER

Heard Mr.Y.Subramanyam for Mr.P.B.Vijaya Kumar, learned counsel for the applicant and Mr.V.Rajeswara Rao for Mr.N.V.Ramana, learned counsel for the respondents.

2. The applicant was engaged as Casual Labour Chowkidar on 1-2-80 under R-5 who is under the control of R-4. The department maintained that the working hours are from 10-30 P.M. to 6-00 A.M. whereas the applicant submits that he is performing duty from 5-00P.M to 8-00 A.M. under R-5 and that is proved by the record maintained by R-5. Hence the applicants submits that he comes under the scheme of "Casual Labour (Grant of Temporary Status and Regularisation) Scheme" which was issued by DG(P) letter No.45-95/87-SPB.I dated 12-4-91 (Annexure-III). As he is a full time casual labour engaged from 1-2-80 is entitled for regularisation on that basis.

3. This OA is filed praying for a declaration that the applicant is a full time Chowkidar for all purposes and consequent direction to regularise his services in terms of Casual Labour (Grant of Temporary Status and Regularisation) Scheme dated 12-4-91 w.e.f., the said date with all consequential and attendant benefits besides payment of difference of remuneration consequent on declaration as

4. In the OA and material papers there ~~was~~ ^{one} no documentary proof to show that he was a full time casual labour engaged from 5-00 P.M. to 8-00 A.M. under R-5. The learned counsel for the

R-5 wherein it is shown that the applicant had worked from 5-00 P.M. to 8-A.M. If the details are available it is not clear why that documentary evidence has not been enclosed to the OA initially itself.

~~If it has been enclosed as the verification is a matter of detail the OA could have been disposed of earlier itself to examine the document and come to a proper conclusion. As this documents were not enclosed to the OA it was not possible to dispose of this OA earlier. Even today though the applicant produces the documents as above no definite direction can be given as the details are to be verified and the facts of this case has to be ascertained. Hence the submission of the~~

document at the present juncture cannot lead to a direction to the respondents to declare him as a full time Chowkidar and thereby ~~bring him~~ giving under the purview of circular dated 12-4-91.

5. A reply has been filed in this OA. The main contention of the respondents in the reply is that the applicant is not a full time Chowkidar and he is a part-time Chowkidar only working between 10-30 P.M. to 6-00 A.M and hence he cannot come under the purview of the circular dated 12-4-91. It is also stated in the reply that the ~~actual~~ ^{is} working hours of the applicant ~~between~~ ^{of} 10-30 P.M. to 6 A.M. ~~because~~ ^{direction} ~~only~~ for 5 hours, and hence he cannot be ~~framed~~ ^{timed} as a full time Chowkidar. But in view of the documents ^{produced by the care} ~~the applicant~~, ~~is now having~~ ~~been~~ needs further verification by the respondents.

6. In view of the above circumstances of this case I am of the opinion that a direction may have to be given to R-4 to examine the documents which the applicant is now producing and decide his ~~whether he is a full time Chowkidar thereby coming under the purview of DG(P) letter No.45-05/87-SPB.I dated 12-4-91.~~ On that basis the regularisation of the applicant should be considered in accordance with law. To facilitate R-4 to examine the document, the applicant should submit a detailed representation addressed to R-4 enclosing the documents which he is now possessing requesting R-4 to take a final decision. When that received along with the necessary document then R-4 should verify the genuineness of the document and also make such enquiries as required and decide the issue in accordance with law. The applicant should submit a representation within a fortnight from the date of receipt of a copy of the judgement and ~~decide~~ ^{bank} ~~the~~ ^{the} representation received from the applicant within that stipulated date within 2 months from the date of receipt of that representation.

7. The OA is ordered accordingly. No costs.

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(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 30th July, 1997.
(Dictated in the Open Court)

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20/8/97
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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN: M(A)
AND

THE HON'BLE SHRI B.S.JAI PARAMESHWAR:M

DATED: 30/7/97

ORDER/JUDGEMENT

M.A./R.A/C.A.NO.

O.A.NO. 1325/94

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court.

