

27

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No.1266/95.

Date of decision: 27-3-1998.

Between:

1. J.Gopikrishna. Applicant.

And

1. The Superintendent of Post Offices,
Tirupati.
2. The Post Master General, Kurnool.
3. The Chief Post Master General, Andhra Pradesh,
Hyderabad.
4. Union of India represented by the Secretary,
Ministry of Communication, Department of Posts,
Dak Bhavan, New Delhi. Respondents.

Counsel for the applicant: Sri A.Rama Rao.

Counsel for the respondents: Sri K.Bhaskara Rao.

Coram:

Hon'ble Sri R.Rangarajan, Member (A)

Hon'ble Sri B.S.Jai Parameshwar, Member (J)

JUDGMENT.

(per Hon'ble Sri R.Rangarajan, Member (A)).

None on either side.

This O.A., was filed in the year, 1995. We do not think that this is a fit case to be adjourned. Hence, we are disposing of this O.A., under Rule 15(1) of the Central Administrative Tribunal (Procedure) Rules, 1987.

28

The applicant in this O.A., is working as Day-time Watchman at Tirupathi Head Post Office since 1.11.1982. His working hours were revised and the working hours were fixed at Four ^{hrs} per day. The applicant submits that there is no reason for not conferring on him the Temporary status in Group "D" post in accordance with the Casual Labourers (Grant of temporary status and regularisation) Scheme, 1991 and also reducing his working hours from 8 to 4.

This O.A., is filed praying for a declaration that the applicant is entitled for grant of temporary status in Group "D" Posts from 29.11.1989 and consequently giving him entitlement for absorption in Group "D" post in accordance with the Casual Labourers (Grant of temporary status and regularisation) Scheme 1991 ~~with all consequential benefits~~ and for setting aside the reduction of working hours to four hours per day by letter dated 15.3.1995 (Annexure I to the O.A.) by holding the same as illegal, arbitrary and discriminatory.

A reply has been filed in this O.A. The applicant is working as a Part-time day Watchman from 1.11.1982 is admitted. It is also admitted that the applicant was working for $7\frac{1}{2}$ hours from 1.3.1994. Further his working hours were reduced to four hours in view of the fact that there are two part-time watchmen

R

A

and during the office hours Group "D" Officials were available to discharge the duties entrusted to the applicant after office hours. Hence the respondents submit that there ^{was} is no need to retain the earlier working hours of $7\frac{1}{2}$ hours and the reduction to four hours is in accordance with the necessity and the applicant cannot question the same.

We fully agree with the submission made by the respondents that a part-time official or employee can be retained in service only to the extent of necessity. The part-time employees cannot demand eight hours duty if there is no work. Even if there is work and that work is being looked after by some other employees, the respondents are at liberty to revise the working hours. It is stated in the reply that during the office hours ~~there are~~ Group "D" officials are available to look after the work apart from two part-time watchmen. Hence, the respondents submit the question of granting 8 hours does not ~~not~~ arise. They submit that the application has to be rejected.

The applicant is a part-time watchman. He is not a full time casual labourer. Hence the Scheme of Casual Labourers (Grant of Temporary Status Regularisation) Scheme 1991 is not applicable to him. The Ministry of Communication has submitted before the Apex Court in Civil Appeal Nos. 360 -361/94 dated 2-4-1997 that the priorities for absorption in Group "D" which were set out in the letter of 17.5.1989 are still in force and that part time casual labourers are also entitled for absorption as per the said letter.

In view of the above submissions of the respondents in the Civil Appeal Nos. 360-361/94 before the Apex Court, the case of the applicant for absorption should be considered in accordance with the conditions set out in the letter dated 17-5-1989. There is no rule for grant of temporary status to ~~as~~ part-time casual labourers.

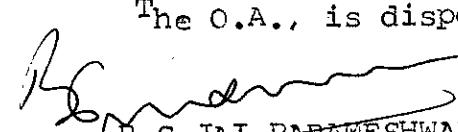
In view of the above, the O.A., is disposed of with the directions as under:

i) The request of the applicant for ~~engaging him~~ providing him 8 hours duty is dismissed.

ii) He is ~~entitled to~~ ^{bank as per} the duty hours prescribed by the respondents.

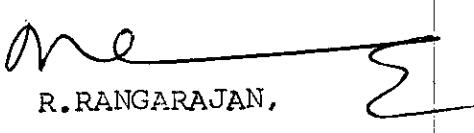
iii) The case of the applicant for regularisation/absorption is to be considered in accordance with the conditions set out in the letter dated 17-5-1989 of the Ministry of Communications cited before the Apex Court in Civil Appeal Nos. 360-361/94 dated 2-4-1997

The O.A., is disposed of accordingly. No costs.


B.S.JAI PARAMESHWAR,

Member (J)

27-3-98


R.RANGARAJAN,

Member (A)

Date: 27-3-1998.

sss.

Dictated in open Court.

DA.1266/95

Copy to:-

1. The Superintendent of Post Offices, Tirupati.
2. The Post Master General, Kurnool.
3. The Chief Post Master General, A.P., Hyderabad.
4. The Secretary, Ministry of Communication, Department of Post, Dak Bhawan, New Delhi.
5. One copy to Mr. A.Rama Rao, Advocate, CAT., Hyd.
6. One copy to Mr. K.Bhaskara Rao, Addl.CGSC., CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One duplicate.

srr

15/3/95 (8)

II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 27/3/95

ORDER/JUDGMENT

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

in

O.A.NO.

1266/95

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

