

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.164/95

DATE OF ORDER : 10-06-1997.

Between :-

S.Shabbir Basha

... Applicant

And

Union of India rep. by

1. The Postmaster General, AP,
Southern Region, Ashoknagar,
Kurnool-518 005.
2. The Supdt. of Post Offices,
Proddatur Division,
Proddatur.

... Respondents

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Counsel for the Applicant : Shri D.Subramanyam

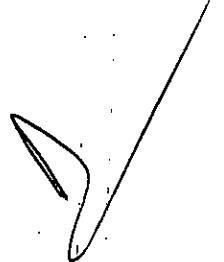
Counsel for the Respondents : Shri N.R.Devaraj, Sr.CGSC

CORAM:

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

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

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

Heard Shri D.Subramanyam,counsel for the applicant and Shri N.R.Devaraj, standing counsel for respondents.

2. The applicant in this O.A./initially engaged as a contingent employee in Prodavur post office --- later engaged as Contingent Sweeper and thereafter as contingent gardener with effect from 7-2-81. By memo No.B3/Jeep Driver dt.28-5-87 (Annexure-2 to OA) respondent No.2 engaged him as a casual driver in his office with the approval of Regional Director of Postal Services, Kurnool. Later on a scheme was formed in pursuance of the directions of the Supreme Court reported in ATC 1987 (Vol.5) page 228 (Daily Rated Casual Labourers employed in P & T Vs. Union of India). The said scheme called ~~xxxxx~~ ~~xxxxx~~ ~~xxxxx~~ 'Casual Labourers (Grant of Temporary Status and Regularisation) Scheme ~~xxxxxxxx~~ ~~xxxxxxxx~~ came into operation with effect from 29.11.89. The Respondent No.2 herein conferred that status even to the applicant who was working as a Contingent Jeep Driver by his memo No.B3/Jeep Driver dt.11-5-93 (Annexure-7 to the OA). He was also granted the attendant benefits mentioned in the Directorate letter No.66-9/91-SPB.I dt.30.11.92. However, respondent No.1 directed respondent No.2 to cancel the temporary status granted to the applicant by letter dt.11.5.93 by his letter dt.11.7.94. Accordingly Respondent No.2 withdrew the conferred status of Group-C on the applicant and also withdrew the increments granted to him on that basis by the impugned order dt.18-7-94 (Annexure 1 to OA). Because of the withdrawal of the increments granted to the applicant by the

the applicant was to pay back an amount of Rs.10,280/- paid to him as arrears being allowances from 1-5-89 to 31-8-93. It was also directed that the applicant should credit in one lump the excess amount paid to him for the period from 1-9-93 to 30-6-94, which will be intimated to him soon thereafter. Against this impugned order, the applicant filed representation dt.2.8.94 (Annexure-9 to the OA) to Respondent No.2. No reply has been received for that representation. Applicant made another representation dt.6-8-94 to respondent No.2 with a copy to Respondent No.1. It was stated that even that representation did not receive any attention.

3. Aggrieved by the above, the applicant has filed this O.A. to set aside the impugned order No.83/Jeep Driver dt.18-7-94 and for a consequential benefit to confer on him the temporary status as per Lr.No.B.3/Jeep Driver dt.11.5.93 (Annexure-7 to the OA) paid to him.

4. An interim order dt.8-2-95 passed in this OA whereby the impugned order dt.18-7-94 to the extent of directing the applicant to credit the sum of Rs.10,280/- was suspended.

5. The main contention of the applicant is that he has been correctly conferred the temporary status in accordance with the scheme referred to above by letter dt.11.5.93 by respondent No.2 and there is no reason to withdraw that letter and recover the amount paid to him. It was further contended that the applicant though a Group-C/employee also comes under the purview of that Casual Labour scheme and hence depriving him that benefit is illegal and arbitrary.

The applicant also submits that the above submissions are in accordance with the directions of the Supreme Court referred to above. He also relies on the following letters for sustaining his case :-

- (i) DG(Posts) Lr. No. 2-10/88/PE.I dt. 11.5.89 for creating justified Group-C & D posts for absorbing casual labourers;
- (ii) DG(Posts) Lr. No. 4045/88/SPV I dt. 7.7.88 for completing the review and absorbing eligible casual workers against regular posts;
- (iii) DG(Posts) Lr. No. 4045-92/90/SPV.I dt. 27-8-90 granting one time exemption for casual through employment exchange and relaxation of other procedures.

6. The respondents strenuously argue on one point only viz., that the scheme promulgated as above is applicable only to Group-D contingent labourers and does not applicable to Group-C Casual Staff. Further the letters mentioned are not meant for confirmation of any status to the casual labourers Group-C employees and are meant as guidance for absorptions and these letters cannot be taken into account for granting the relief.

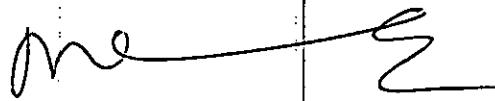
7. The applicant also relies on the judgement of the Madras Bench of the CAT reported in ATC 1994 (26) page-57 (M. Seen & others Vs. Union of India & another).

8. After hearing both sides, I feel that this issue needs consideration at the level of the Chief Post Master General as he is the overall incharge for A.P.Circle. Hence I am of the opinion that this is a fit case to be remanded to the Chief Post Master General, A.P.Circle for his consideration. To facilitate the Chief Post Master General to consider the matter, in depth, the applicant has to make a detailed representation addressed to Chief Post Master General within a period of one xxxx xxxx xxxx xxxx

which may

month from the date of receipt of a copy of this order/including
the contentions made in this O.A. On the receipt of such a repre-
sentation, the Chief Post Master General has to take a decision
in accordance with Law within 4 months from the date of receipt of
the representation. Till the representation is disposed of, the
interim order dt. 8-2-95 in this O.A. shall be in force.

7. The O.A. is ordered accordingly. No order as to costs.



(R. RANGARAJAN)
Member (A)

Avilai
Dy. Registrar (Bndl.)

Dated: 10th June, 1997.
Dictated in Open Court.

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Copy to:

1. The Postmaster General, AP., Southern Region, Ashoknagar, Kurmooli.
2. The Superintendent of Post Offices, Proddatur Division, Proddapur.
3. One copy to Mr.D.Subrahmanyam, Advocate, CAT, Hyderabad.
4. One copy to Mr.N.R.Devraj, Sr.CGSC,CAT,Hyderabad.
5. One copy to D.R(A), CAT, Hyderabad.
6. One duplicate copy.

YLKR

10/7/97

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HYD 770

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.SAI PARAMESHWAR: M
(X)

DATED

10/6/97

ORDER/JUDGEMENT

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

in

D.A. NO.

164195

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.

