

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

O.A.No.298 OF 1997.

DATE OF ORDER:6-1-1999.

Between:

K.Chandrasekhar.

.. Applicant

a n d

Union of India, represented by:

1. Chief Post Master General,  
Andhra Pradesh Postal Circle,  
Hyderabad.
2. Post Master General, Kurnool  
Postal Region, Kurnool.
3. Superintendent, RMS 'AG' Division,  
Guntakal.
4. Head Record Officer RMS 'AG' Division,  
Guntakal.

.. Respondents

COUNSEL FOR THE APPLICANT :: Mr.K.S.R.Anjanayulu

COUNSEL FOR THE RESPONDENTS:: Mr.B.Narasimha Sharma

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

A N D

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: O R D E R :

ORAL ORDER(PER HON'BLE SRI R.RANGARAJAN, MEMBER(A) )

Heard Mr.Y.Subrahmanyam for Mr.KSR.Anjanayulu,  
learned Counsel for the Applicant and Mr.B.Narasimha-  
Bharma, learned Standing Counsel for the Respondents.

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2. The applicant in this OA submits that he had been working in the vacancies of ED Mail Man at Guntakal RMS since about 10 years from 1986 onwards. The applicant further submits that, he was engaged by the Head Record Officer, RMS 'AG' Division, Guntakal and not by those who went on leave. He further submits that he worked for more than 240 days in a year in some years. The applicant further submits similar service rendered by some outsiders like the applicant, ~~some were employed~~ <sup>appointed</sup> in ED vacancies in the RMS 'AG' Division, Guntakal, by Order in Memo.No.8/EDMM/DVN/Vol.IV, dated:28-5-1992(Annexure.3, page.13 to the OA). The applicant further submits that he has been kept in the waiting list at serial no.1 for absorption as ED Mail Men, and he belongs to SC Community. The applicant further adds that the waiting list was subsequently cancelled by Memo.No.8/EDMM/DVN/Vol.V, dated:17-9-1992., and He also submits that similar persons filed OA.No.1269 of 1995 on the file of this Bench, who were juniors to the applicant in the Unit for consideration of their candidature for appointment as ED Mail Men. Earlier directions were given to verify the service records of those candidates, who filed the above referred OA and further suitable action has to be taken by the respondents *on the basis of the verification*.

3. This OA is filed praying for a direction to the respondents to consider the case of the applicant for appointment in the existing or future vacancies of ED Mailman on the basis of the Judgment in OA.No. 1269 of 1995, dated:22-8-1996, as the applicant *is*

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similarly placed and had rendered duty for more than 240 days in a year and also senior to many of the applicants in OA.No.1269 of 1995.

4. The main contention of the applicant in this OA is, <sup>that</sup> he is a Part-time Casual Labourer and hence he is entitled for regularisation/absorption in terms of the rules of the Department. But we do not find any details in regard to the casual service rendered by him as a Part-time Casual Labourer in this OA. Hence, the details of the service rendered by him as a Part-time Casual Labourer has to be verified from the records only by the Respondents. The respondents also in their reply has not given any service particulars of the applicant. They only submit that the applicant is not similarly situated as the applicants in the OA.No.1269 of 1995, and hence his case cannot be considered on par with the applicants in OA.No.1269 of 1995.

5. If the applicant is a Part-time Casual Labourer as submitted by him, then the case of the applicant is to be considered for absorption in Group-'D' post which were set out in the letter of the Postal Department dated:17-5-1989. The respondents themselves had stated in the reported case 1998 SCC(L&S) 119 (SECRETARY, MINISTRY OF COMMUNICATIONS & OTHERS Vs SAKKUBAI & ANOTHER), that the Part-time Casual Labourers are also entitled for absorption as per the said letter dated: 17-5-1989. The learned Counsel for the Respondents also submits that in view of the letter the respondents will act after checking his service details from the records.

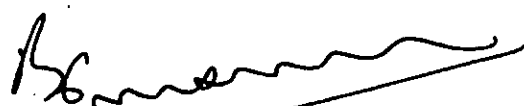


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6. In view of the above, the following direction is given:-

The service particulars of the applicant should be checked from the service records and decide his eligibility to be treated as a Part-time Casual Labourer. If the applicant comes under the category of Part-time Casual Labourer as averred by him, then the respondents should act in accordance with their letter dated:17-5-1989.

7. The OA is ordered accordingly. No costs.



( B.S. JAI PRAMESHWAR )  
MEMBER(JUDL)

6-1-99

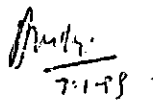


( R.R. ANGARAJAN )  
MEMBER(ADMN)

Dated: this the 6th day of January, 1999

Dictated to stone in the Open Court

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DSN

  
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