

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..

O.A.No.594/97.

Date of decision: 25th January, 1999.

Between:

M.Veeraswamy. .. Applicant.

And

1. The Union of India represented by its Secretary, Ministry of Communications, New Delhi 110001.
2. Chief Post Master General, A.P.Circle, Hyderabad 500001.
3. The Post Master General, A.P.Southern Region, Kurnool -518005.
4. The Superintendent of RMS 'AG' Division, Guntakal. .. Respondents.

Counsel for the Applicant: Sri K.K.Chakravarthy.

Counsel for the Respondents: Sri B.Narasimha Sarma.

~~Excluded for the~~

FORUM.

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

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

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O.A.No.594/1997.

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

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None for the Applicant. Sri B.Narasimha Sarma,
the learned standing counsel for the Respondents.

2. The applicant submits that he has been working as Mazdoor under the 4th respondent, the Superintendent, R.M.S., A.G.Division, Guntakal since 1990 onwards. When the respondents attempted to fill up the post of EDMM, the applicant along with five others had approached this Tribunal in O.A.1269/95 seeking for regularisation of their services as EDMM. That O.A., was decided on 22.8.1996 directing the respondents to verify whether the applicants therein had worked continuously for a period of 240 days in any year from 1-4-1985 onwards upto 16-3-1992 and if they had so worked they should be appointed as EDMMs.

3. As per the directions given by this Tribunal the respondents verified the records of the applicant on 30.9.1996 and 1.10.1996. The respondents state that they have verified the records upto 1991-1992 i.e., upto 16.3.1992.

4. The applicant submitted representations dated 5.11.1996 and 17.1.1997 requesting the respondents to take into consideration the officiating mazdoor duty performed by him. The respondents informed the applicant that Mazdoor charge bills prior to 1992 have been weeded out and were not available. The respondents through their

impugned reply dated 5.3.1997 rejected his request.

5. The applicant appears to have raised an objection stating that the respondents had to verify the records beyond 1991-92. The applicant then filed M.A.1141/96 seeking a direction to the respondents to verify the records even beyond 1991-92. This Tribunal by its order dated 19.12.1996 in the said M.A., directed that the respondents were required to verify the records only from 1.4.1985 till 16.3.1992 and that if the applicant had any grievance about the wrong calculation of the period between 1985 and 1992 as contemplated by the original order, he had to file a proper representation to the appropriate Authority.

6. The applicant submitted a representation dated 1.3.1997 praying for verification of the records upto 1993-94. On 5.3.1997 the respondents issued a reply to his representation stating that on verification of the records from 1.4.1985 till 16.3.1992¹⁰ the applicant was not found to have worked continuously for 240 days and that he was not eligible for regularisation.

7. The applicant has filed this O.A., challenging the impugned letter No. 8/EDMM/DKV/96-97 dated 5.3.1997 issued by the 4th respondent as illegal, arbitrary and for a consequential direction to the Respondent No.4 to verify the records from 16.3.1992 till 1996-97 and to appoint the applicant as EDMM in the vacancies notified on 16.10.1995.

8. The respondents have filed their counter stating that in accordance with the directions given by this Tribunal in O.A.1269/95, records of the applicant were verified upto 16.10.1995 and the applicant was found not to have worked for 240 days in any of the years during the period from 1.4.1985 to 16.3.1992 and he was not eligible for regularisation. They further submit that the applicant was given further opportunity to verify ~~the~~ records on 26.2.1997. Even during the second verification it was found that the applicant had not worked for 240 days in any year between 1-4-1985 and 1993-94. Hence the impugned reply was issued to the applicant. They submit that out of 6 applicants four were found to have had worked for 240 days during the said period and they were appointed as EDMMs.

9. The applicant had not produced any material supporting his case.

10. The respondents state that the period for preservation of records is only three years and the records prior to 31.3.1992 were weeded out in the year, 1995.

11. In the impugned letter dated 5.3.1997 they have stated to have verified the records of the applicant for the years 1990-91 to 1995-96 i.e., upto 16.10.1995 and found that the applicant had not worked for 240 days in any particular year between the said period. Since

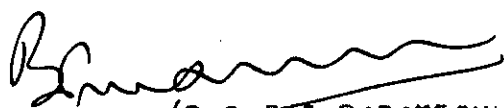
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the respondents submit that after verification of the records of the applicant even after 16-3-1992 he had not worked for 240 days in any year. Hence the services of the applicant cannot be treated as equivalent to Mazdoor.

12. The applicant has not filed any rejoinder to the O.A., disputing the facts detailed in the reply by the respondents. In view of that, the applicant has not fulfilled the conditions laid down in O.A.1269/95/ decided on 28.8.1996 for absorption or for appointment as EDMM. Hence, the Applicant is not eligible for regularisation/absorption/appointment as EDMM.

13. The O.A., is dismissed. No costs.



(B.S. JAI PARAMESHWAR)
Member (J)



(R. RANGARAJAN)
Member (A)

vs. 199

Date: 25-1-1999.

Dictated in open Court.

For
T-288

sss.

Copy to:

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1st and 11nd Court.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD.

~~THE HON'BLE MR. JUSTICE D.H. NASIR:~~
~~VICE - CHAIRMAN~~

~~THE HON'BLE N. RAJENDRA PRASAD:~~
~~MEMBER (A)~~

THE HON'BLE R. RANGARAJAN
MEMBER (A)

THE HON'BLE MR. B.S. JAI PARAMESHWAR:
MEMBER (J)

DATED: 25/1/88

ORDER/JUDGMENT

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

IN

R.A.NO : 594/92

~~ADMITTED AND INTERIM DIRECTIONS
ISSUED.~~

~~ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS~~

(9 copies)

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal प्रेषण / DESPATCH
- 8 FEB 1988
हैदराबाद न्यायपीठ HYDERABAD BENCH