

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 969/97

DATE OF ORDER : 17-03-1998.

Between :-

S.Khader Basha

... Applicant

And

1. The Union of India rep. by its Secretary, Min. of Communications, New Delhi - 110 001.
2. Chief Post Master General, AP Circle, Hyderabad-1.
3. The Post Master General, AP Southern Region, Kurnool - 518 005.
4. The Supdt. of RMS "AG" Division, Guntakal.
5. Manohar

... Respondents

Counsel for the Applicant : Shri K.K.Chakravorthy

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

CORAM:

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

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

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

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

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Heard Sri K.K.Chakravorthy, counsel for the applicant and Sri NR Devaraj, standing counsel for the respondents.

2. The applicant submits that he was working as Mazdoor under the Respondent No.4 since 1967. It is his case that the Respondent No.4 notified the vacancies for recruitment to the cadre of EDMA existing at HRO, Guntakal vide his memo dt.16-10-95. ~~He~~ The applicant made a representation that he worked as a Casual Labourer for more than 240 days in a year and ~~he~~ ^{his} case was covered by the directions given in OA 269 to 323/93 on the file of this Bench. Thus he claims for regularisation of his services as EDMM. He relied upon the order dt.22-8-96 in OA 1269/95, wherein it was ordered that after verification of the records, the applicant ^{be} ~~was~~ appointed as EDMM if he had worked as casual labour for 240 days ~~in~~ or more in a year. The applicant states that the verification was restricted to 1991 and 1992.

3. The respondents issued proceedings dt.4-3-97 saying that he ^{not} had/worked ~~only~~ for 240 days or more in any year during the period from 1-4-85 to 18-3-92 and therefore his services were terminated.

4. The applicant has filed this OA challenging the proceedings dt.4-3-97 as illegal, arbitrary and contrary to rules.

5. MA 1140/96 along with MA 1141/96 in OA 1269/95 were disposed of by order dt.19-12-96. That order in the MA clarifies that the period after 1992 was not contemplated to be verified

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by the original order. If that gives any independent right that is to be agitated in independent manner and not by seeking implementation of the original order as the same does not relates to the period subsequent to 1992. The applicant's contention in this OA is that after 1992 he had completed 240 days in the year 1993-94, but he cannot ask for relief if he has put in 240 days of service after 1992 relying on the judgement in OA 1269/95. If he relies on the judgement in OA 1269/95 he has to restrict his case for the period prior to 1992. Hence we are not inclined to give any order in regard to his contention that his case has to be considered as he has put in more than 240 days of service after 1992. If he has a case for posting as EDMM on the ground that he had completed 240 days after 1992 then that case has to be fought independently and cannot be a consequential benefits arising out of this OA. Hence the OA is considered only in regard to his contention that he had completed 240 days of service earlier to 1992 and that gives him right to be appointed as Mail Men. The applicant is given liberty to file fresh O.A. in case he is interested to contend on the ground that he had completed 240 days of service after 1992. In so far as this OA is concerned counting of his services for the period prior to 1992 is to be done. The applicant submits that he had nominated one Sri Nagaiah to assist him for checking the records in regard to the services rendered by him earlier to 1992. He further submits that Sri Nagaiah had informed him that on checking the records, the applicant was found to have employed for more than 240 days prior to 1992. When we asked him for the minutes of such certification,

the applicant could not produce any such minutes. Hence it has to be held that the applicant could not check the records properly in consultation with the Department. The applicant further submits that the records should be summoned by the Tribunal and checked. This is a factual verification. It is enough if the applicant is given an opportunity to check the records in consultation with the Postal Department i.e. the Respondent No.4 herein for counting his service period before 1992. To implement the above direction, Respondent No.4 should find a mutually convenient date to both of them to check the records in presence of the applicant. The applicant should be summoned on that day to be present in the office of Respondent No.4 and the records should be checked by the Respondent No.4 and applicant jointly in the office of Respondent No.4. That factual verification definitely will ~~will~~ give an answer to the relief asked for in this OA.

6. The applicant is at liberty to question the details in the records shown to him in case his view points are not agree^d to by the Respondents.

7. With the above observations, OA is disposed of. No order as to costs.


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

17.3.98


(R. RANGARAJAN)
Member (A)

Dated: 17th March, 1998.
Dictated in Open Court.

GA.969/97

Copy to:-

1. The Secretary, Ministry of Communications, New Delhi.
2. The Chief Postmaster General, A.P.Circle, Hyderabad.
3. The Postmaster General, A.P.Southern Region, Kurnool.
4. The Sudpdt. of RMS 'AG' Division, Guntakal.
5. One copy to Mr. K.K.Chakravarthy, Advocate, CAT., Hyd.
6. One copy to Mr. N.R.Devaraj, Sr.CGSC., CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One copy to Duplicate.

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27/3/98

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. RANGARAJAN : M(A)

AND

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

DATED: 17/3/98

ORDER/JUDGMENT

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

in

G.A.NO. 969/92

ADMITTED AND INTERIM DIRECTIONS.
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

IN COURT

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