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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 23.10.96

OA 535/96

Girdhari Lal, Earwali Dhani, Near Railway Station, Panakpura, P.O. Meena Wala, Jaipur.

... Applicant

Versus

1. Union of India through the Secretary to the Government of India, Department of Posts, Ministry of Communication, Dak Bhawan, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Senior Superintendent of FMS, JP Division, Jaipur.
4. Head Record Officer, FMS, JP Division, Jaipur.
5. AHFO, ES Branch, FMS, JP Division, Jaipur.

... Respondents

CORAM:

HON'BLE MR. GOPAL PRISHNA, VICE CHAIPMAN

HON'BLE MR.O.P.SHAFMA, ADMINISTRATIVE MEMBER

For the Applicant

..., Mr.P.N.Jati

For the Respondents

...Mr.M.Rafiq

O R D E R

PER HON'BLE MR.GOPAL PRISHNA, VICE CHAIPMAN

Applicant, Girdhari Lal, has filed this application u/s 19 of the Administrative Tribunals Act, 1985, praying therein for grant of temporary status in a Group-D post as also for regularisation of his services in terms of the scheme introduced by the Department of Posts vide Ann.A-4 dated 12.4.91.

2. We have heard the learned counsel for the parties.


3. The case of the applicant is that he was appointed as a Waterman w.e.f. 10.2.91 by an oral order in the Railway Mail Office, Jaipur Railway Station, Jaipur, and ever since then he has been working as a Waterman till date. It is stated that he is qualified for a Group-D post. The applicant's contention is that temporary status has to be conferred on a casual labour who has rendered continuous service of one year and during that year he must have been engaged for 240 days at least. He has also pleaded for full time justification of a Waterman and that his duty may be treated as for full time Waterman since he has been attending his duty from 22.00 hours to 4.00 hours.

4. On the other hand, the contention of the respondents is that the

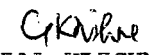
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applicant was verbally engaged to carry out the work of Waterman on part time basis for 1 to 5 hours in a day for which he was paid when he had actually carried out the work. It is also stated that he was never an employee of the respondents either on daily wages or on regular basis but he was merely working on contractual basis. It is also stated that the post of E.D. Waterman for five hours per day was sanctioned for the SMO Jaipur PMS but vide C.O. Memo No. EM/3-49/Ch.II dated 5.6.90 the post of E.D. Waterman was abolished and only an allowance has been sanctioned. An allowance for five hours a day is being drawn for the Head of Office since September, 1994 and the same is being paid to the person who works as Waterman. The applicant has, admittedly, not made any representation to the concerned authority in regard to his grievance. He is merely apprehending termination.

5. In the circumstances, we dispose of this OA, at the stage of admission, with a direction to the applicant to make a representation regarding his grievance to the concerned authority within 15 days of this order and if the same is made, it may be decided within two months of its receipt through a detailed speaking order. If the applicant is aggrieved by any decision taken on the representation, he shall be at liberty to file a fresh OA.


(O.P. SHARMA)

ADMINISTRATIVE MEMBER


(GOPAL KRISHNA)
VICE CHAIRMAN

VK