

Date of Decision: 17.12.1998

OA 517/98

Hemant Kumar Verma, Casual Labour in the office of the Railway Mail Service, Jhunjhunu.

... Applicant

Versus

1. Union of India through the Secretary to the Government, Department of Posts, Ministry of Communications, Dak Bhawan, New Delhi.
2. Chief Postmaster General, Rajasthan Circle, Jaipur.
3. Sr. Superintendent, Railway Mail Service, Jaipur Division, Jaipur.
4. Head Record Officer, Railway Mail Service, Jaipur Division, Jaipur.
5. Sub Record Officer, R.M.S., Jaipur Division, Jhunjhunu.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

For the Applicant

... Mr.P.N.Jati

For the Respondents

... Mr.Amit Ojha, Advocate,
brief holder for Mr.M.Rafiq

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Hemant Kumar Verma, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, mainly seeking a direction to the respondents to confer temporary status upon him w.e.f. 29.11.1989 and not from 10.5.1996.

2. Heard the learned counsel for the applicant and Mr.Amit Ojha, Advocate, brief holder for Mr.M.Rafiq, counsel for the respondents.

3. Applicant's case is that he has been working in the Department of Posts as a Casual Labour and he had been engaged in the office of the Railway Mail Service, Jhunjhunu, since 9.1.1984. He is educated upto 10th Class. His services were terminated but he was taken back on duty as per orders of respondent No.3 vide memo dated 13.3.1995. It is further stated by the applicant that he has completed 240 days continuous engagement prior to 29.11.1989 and as such temporary status should have been conferred on him w.e.f. 29.11.1989, as it has been done by respondent No.3 in the cases of other casual labourers. The contention of the respondents is that no person junior to the applicant was granted temporary status earlier than the ~~date of the~~ applicant and since the applicant was disengaged in 1990 and was re-engaged in the year 1995 as a fresh candidate pursuant to the directions of this Tribunal,

his claim for temporary status from an earlier date is not tenable. It is categorically stated by the respondents that the applicant's representation dated 20.10.1997 is under consideration and the same is yet to be decided. The learned counsel for the applicant wants the aforesaid representation to be decided keeping in view the scheme dated 12.4.1991, at Annexure A-4.

4. This application is, therefore, disposed of with a direction to respondent No.3 to decide the applicant's representation dated 20.10.1997, at Annexure A-7, keeping in view the scheme dated 12.4.1991, at Annexure A-4, and the orders dated 6.11.1996 and 21.7.1994, at Annexures A-1 and A-2 respectively, within a period of three months from the date of receipt of a copy of this order. Let a copy of the OA and the annexures thereto be sent to respondent No.3 alongwith a copy of this order. If the applicant is aggrieved by any decision taken on the representation, he shall be at liberty to file a fresh OA. No order as to costs.

C.Krishna
(GOPAL KRISHNA)
VICE CHAIRMAN

VK