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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 9.11.2000

OA 195/99

Bhag Chand, Safaiwala, Head Record Office, RMS, Jaipur.

... Applicant

v/s

1. Union of India through Secretary, Deptt. of Posts, Ministry of Communications, New Delhi.
2. Chief postmaster General, Rajasthan Circle, Jaipur.
3. Sr. Supt. of Railway Mail Service, JP Division, Jaipur.
4. Head Record Officer, Railway Mail Service, JP Division, Jaipur.

... Respondents

CORAM:

HON'BLE MR. S. K. AGARWAL, JUDICIAL MEMBER

HON'BLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER

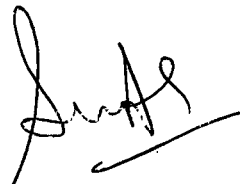
For the Applicant ... Mr. K. L. Thawani

For the Respondents ... Mr. K. N. Shrimal

O R D E R

PER HON'BLE MR. S. K. AGARWAL, JUDICIAL MEMBER

In this OA filed u/s 19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to direct the respondents by issuance of an order or direction to implement the orders contained in Department of Posts letter No. 45-14/92-SPE I dated 28.4.97 (Ann.A/6). Further directions are also sought to regularise the applicant in Group-D cadre.

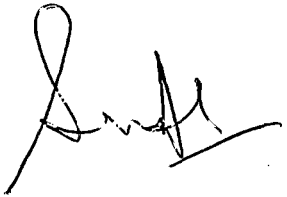


2. It appears that earlier the applicant filed OA 138/91 before this Tribunal, which was decided on 15.3.94, directing the respondents to examine the question of regularisation of the applicant in Group-D post of Safaiwala in terms of D.O.P. letter dated 12.4.91, if the same is applicable to the applicant, within a period of three months from the date of receipt of a copy of the order. It is stated by the learned counsel for the applicant that this order was not complied with. Therefore, the applicant filed another OA 84/95, which was decided on 20.9.96, with the direction to treat the applicant as full time casual worker for the purpose of grant of temporary status in Group-D posts w.e.f. 14.2.95 in accordance with the scheme promulgated by their circular dated 12.4.91 with consequential benefits. An appeal was filed against the order passed by this Tribunal dated 20.9.96 before Hon'ble the Supreme Court of India and Hon'ble the Supreme Court vide order dated 16.10.98 disposed of the appeal filed by the department with the following directions :

"Leave granted.

The appeal is disposed of as per the directions given in the judgement of this Court in Secretary, Ministry of Communications & Ors. vs. Sakubai & Ors., reported (1997) 11 SCC 224."


3. Reply was filed. In the reply the stand of the department is that in view of the judgement of Hon'ble the Supreme Court, as referred above, the applicant is not entitled to any relief sought for.

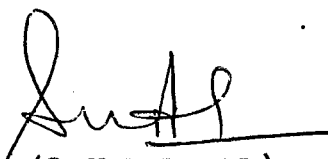


4. The learned counsel for the applicant during the course of arguments has referred a circular issued by the Department of Posts vide No.G.I., Dept. of Post, Lr.No.45-14/92-SPB-I, dated 28.4.97 and emphasis was laid that for the purpose of relief, as claimed by the applicant, this circular ~~must have~~ should have been taken into consideration and if this circular was taken into consideration, the applicant becomes entitled to the relief sought for.

5. We have given anxious consideration to the rival contentions of the learned counsel for the parties on the point.

6. After consideration of the averments made by the parties, whole record and the rival contentions of both the parties, we dispose of this OA with a direction to the respondents to consider the case of the applicant for regularisation in the light of the judgement of Hon'ble the Supreme Court in Secretary, Ministry of Communications & Ors. vs. Sakubai & Ors., (1997) 11 SCC 224, and the circular dated 28.4.97, issued by the Department of Posts, within a period of three months from the date of receipt of a copy of this order. No order as to costs.


(GOPAL SINGH)
MEMBER (A)


(S.F. AGARWAL)
MEMBER (J)