

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 28.7.99

OA 209/99

Pushp Chand. Temporary Group-D employee in the office of Railway Mail Service, Kota Jn.

... Applicant

Versus

1. Union of India through the Secretary, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Postmaster General, Rajasthan Circle, Jaipur.
3. Sr.Supt., Railway Mail Service, Jaipur Division, Jaipur.
4. Sub Record Officer, Railway Mail Service, Jaipur Division, Kota.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR.N.P.NAWANI, 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 KRISHNA, VICE CHAIRMAN

Applicant, Pushp Chand, in this application under Section 19 of the Administrative Tribunals Act, 1985, has mainly claimed a direction to the respondents to provide daily work to him as casual labour in the Railway Mail Service, Kota.

2. We have heard the learned counsel for the parties. Records of the case have been carefully perused. Counsel for the parties have agreed to this matter being disposed of at the stage of admission.


3. The applicant was engaged as an unapproved candidate/casual labour by the respondents in the Railway Mail Service, Kota, after his name was sponsored by the Employment Exchange. Temporary Status has also been conferred upon the applicant. Applicant's contention is that since he has been working for a considerable number of days in an year from 1985 till

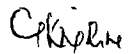
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date, he should be provided daily work on regular basis. The respondents, on the contrary, have stated that since the applicant was engaged as a casual labour on daily rate basis and his services were utilised as and when required on account of any Group-D employee proceeding on leave, assignment of work to the applicant was dependent upon its availability. The fact remains that the applicant has been working as a casual labour on need basis since 1985.

4. In the circumstances, we direct the respondents to assign work to the applicant as a casual labour as and when the same is available on account of any leave vacancy of any Group-D employee. The OA stands disposed of accordingly, at the stage of admission, with no order as to costs.


(N.P.NAWANI)
ADM.MEMBER


(GOPAL KRISHNA)
VICE CHAIRMAN

VK