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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.225/99

Date of order: 28/9/99

Mohammed Aslam, S/o Shri Fajle Rahim, R/o Ladpura, Kota, presently working as Temporary Mail Man in the O/O the Railway Mail Service, Kota Jn.

...Applicant.

Vs.

1. Union of India through the Secretary to the Govt. of India, Deptt. of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Postmaster General, Rajasthan Circle, Jaipur.
3. Senior Superintendent Railway Mail Service, Jaipur Dn, Jaipur.
4. Head Record Officer, R.M.S, JP Dn, Jaipur.
5. Sub Record Officer, RMS, JP Dn,, Kota.

...Respondents.

Mr.P.N.Jati - Counsel for applicant.

Mr.Asgar Khan - Proxy of Mr.M.Rafiq - Counsel for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.N.P.Nawani, Administrative Member.

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

In this Original Application, the claim of the applicant is to treat him temporary Group-D employee and to regularise his services.

2. In reply, the respondents have stated that the applicant is merely a Casual Labourer who was conferred temporary status in pursuance of Director General of Posts letter dated 12.4.1991, but conferment of temporary status does not automatically gives a right to the applicant for regularisation unless there is a vacant post and the applicant is found fit after screening.

3. Rejoinder has also been filed which is on record.

4. The learned counsel for the parties stressed that this O.A be disposed of at the stage of admission. We, therefore, heard the arguments of the learned counsel for the parties and also perused the whole record.


5. The learned counsel for the applicant during the course of his arguments has submitted that this O.A be disposed of in the light of the order passed in O.A No.320/99, Om Prakash Sharma Vs. Union of India & Ors, decided on 4.8.1999. We have also heard the learned counsel for the respondents on this point.

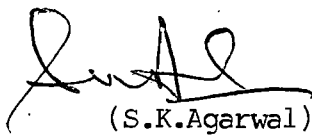
6. Applicant in this case was engaged as Casual Labourer in Railway Mail Service by the respondents and temporary status was conferred upon

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him. The contention of the applicant has been that he is working since long, therefore, he should be provided work on regular basis. On the other hand the contention of the respondents has been that the services of the applicant were utilised as and when the work was available to him in case any Group-D employee goes on leave. The fact remains that the assignment of work to the applicant was depend upon the availability of the work.

7. Accordingly, we direct the respondents to assign work to the applicant as Casual Labourer as and when the same is available on account of any leave vacancy of any Group-D employee. The respondents shall consider grant of benefits to the applicant in terms of D.O.P letter No.66-9/91-SPB-I dated 30.11.92, subject to its applicability to the applicant. With these directions, the C.A stands disposed of accordingly at the stage of admission with no order as to costs.


(N.P.Nawani)
Member (A).


(S.K.Agarwal)
Member (J).