

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JATPUR BENCH, JATPUR.

DATE OF ORDER : 17.05.02

OA No. 603/2001

Gordhan Singh son of Shri Gyana Ram by caste Koli aged about 45 years. Resident of Gujar Dharti Nagar, Ajmer. Presently working as Safaiwala in the office of the Railway Mail Service, Ajmer 'J' Dn. Ajmer.

....Applicant.

VERSUS

1. Union of India through the Secretary to the Government of India, Department of Posts, Dak-Bhawan, Sansad Marg, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Postmaster General, Southern Region, Ajmer.
4. Superintendent, Railway Mail Service, Ajmer.
5. Head Record Officer, Railway Mail Service, 'J' Dn. Ajmer.

....Respondents.

Mr. P.N. Jatti, Counsel for the applicant.

Mr. N.C. Goyal, Counsel for the respondents.

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

Hon'ble Mr. H.O. Gupta, Member (Administrative)

ORDER

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

In this OA filed u/s 1^o of the Administrative Tribunal's Act, applicant makes a prayer to quash and set

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aside the order at Annexure A/1 and to direct the respondents to regularise the services of the applicant on the post of Safaiwala (Group 'D') as & when vacancy is made available.'

2. The facts of the case, as stated by the applicant, are that applicant after sponsoring his name from Employment Exchange was selected as an unapproved candidate (Group 'D') at Ajmer vide order dated 29.8.1987 and temporary status was conferred on him vide order dated 17.6.1992. It is stated that Department has started a Scheme to regularise such workers vide order dated 12.4.1991, circulated by Department of Posts. It is further stated that applicant is given regular scale of pay w.e.f. 17.6.1992 and he is getting all the facilities which is available to a Group 'D' employee of Central Government but he has not been regularised so far. It is stated that an OA No. 251/99 was decided on 5.11.99 vide which this Tribunal had held that whenever vacancy occurred, the services of the applicant be regularised. It is stated that case of this applicant is identical to the decision in OA No. 251/99. Therefore, applicant is also entitled to be regularised on the post of Safaiwala (Group 'D') but respondent's department wants to bring this order ineffect by issuing its order dated 31.10.2001. Therefore, applicant filed this OA for the relief, as above.

3. Reply was filed. It is admitted in the reply that applicant was engaged as an unapproved candidate in HRO, Ajmer vide order dated 29.8.1987 and temporary status was conferred on him vide order dated 17.6.92. It is further stated that since then applicant is continuing as temporary status hikder Mailman in HRO Ajmer. It is also stated that work of Safaiwala is to be given on contract basis and tenders for sweeping work were invited vide letter dated 31.10.2001 but applicant filed above OA before this Tribunal challenging the action of the SRM, Ajmer for work of Safaiwala to be given on contract basis and stay order was issued by this Tribunal. It is stated that work of Safaiwala is to be given on contract basis by the department on account

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of economic measures and there is no intention of the department to remove the applicant from service. It is stated that applicant is not entitled to regularisation on the post of Safaiwala as he has no claim for regularisation on the selected post. Hence applicant has no 'case' for regularisation.

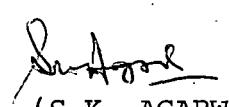
4. Heard the learned counsel for the parties and also perused the whole record.

5. The learned counsel for the applicant during the course of arguments has vehemently urged that the case of the applicant is squarely covered by the decision in OA No. 251/99 decided on 5.11.99. Therefore, learned counsel for the applicant submits that this OA may be disposed of as per the decision given in the aforesaid OA. We have heard the learned counsel for the respondents also and perused the order passed in OA No. 251/99 decided on 5.11.99. Looking to the facts & circumstances of this case, the case of this applicant is, squarely covered by the decision in OA No. 251/99 decided on 5.11.99.

6. We, therefore, dispose of this OA with the direction to the respondents to consider the applicant for regular appointment in Group 'D' post as & when vacancy is made available. Till that time, the applicant shall not be disengaged provided that work is available. In no case, the applicant will not be disengaged without following the proper procedure of law.

7. No order as to costs.


(H.O. GUPTA)
MEMBER (A)


(S.K. AGARWAL)
MEMBER (J)