

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

original Application No.108/2000

Jabalpur, this the 24th day of March, 2004

HON'BLE SHRI M.P. SINGH, VICE CHAIRMAN
HON'BLE SHRI MADAN MOHAN, MEMBER (J)

Ladoo Lal s/o late Makkhan Lal Turkel,
Aged 36 years,
Occupation Service (Sweeper)
posted at Head Post office Balaghat, M.P.
R/o Ward No. 3, Baihar Rd.,
Balaghat (M.P.).

...Applicant

(By Advocate: None)

-versus-

1. Union of India through
Secretary,
Ministry of Communication,
New Delhi.
2. The Chief Post Master General,
Postal Department, Bhopal, M.P.
3. The Post Master General,
Raipur Region,
Head Post office, Raipur, M.P.
4. The Superintendent of Post office,
Balaghat Division,
Head Post Office, Balaghat, M.P.
5. The Post Master,
Head Post Office,
Balaghat, M.P.

...Respondents

(By Advocate: Shri S.Dharmadhikari)

O R D E R

By Shri Madan Mohan, Member (J)

By filing this O.A. the applicant has sought the following main reliefs:-

- i) To direct the respondents to regularize the services of the applicant on the post of Sweeper in their department.
2. The brief facts of the case are that after the death of the father of the applicant late Sh. Makkhan Lal who had served the respondents for about 15 years as Sweeper, the applicant was appointed as Sweeper on daily wages by the

respondent no. 5 on 1.9.1984. The applicant is a member of scheduled castes and is registered in the Employment Exchange. He is educated till the fourth class. He is still serving respondents nos. 4 & 5 and the respondent no. 5 has also issued an experience certificate to the applicant on 6.4.1999 (A/1). The applicant has made his representation on 24.10.1989 to the respondent no. 4 for his appointment on the regular post of Sweeper. He thereafter filed various written representations on various dates but in vain, though respondent no. 4 was kind enough to forward one of the applicant's representations to respondents no. 2 & 3 on 21.8.1996 but the respondents no. 2 & 3 did not take any action for the regularisation of the applicant till today and instead the applicant has been informed by their staff on 18.1.2000 that his services are going to be terminated within one month. It is stated by the applicant in his application that if the services of the applicant are terminated he and his family would not only suffer an irreparable loss and injury but they shall be reached at the verge of starvation.

3. Since it is an old matter pertaining to the year 2000 and none is present on behalf of the applicant, we are disposing of this application by invoking the Rule 15 of CAT (Procedure) Rules, 1987. we have heard the learned counsel for the respondents.

4. Learned counsel for the respondents has drawn our attention to para 4 of the preliminary submission made in the reply, which reads as under:-

"The Post Master has no power to recruit any Group 'D' employee. The claim of the applicant is contrary to the Rules as he is neither an extra-departmental employee having Educational Qualification i.e. primary (5th Standard) nor is he entitled to be recruited in relaxation of normal recruitment rules. The applicant was never engaged on regular basis as a "Sweeper" but was engaged for the time being and is not holding the post/working after 7.2.2000. A copy of the termination letter is annexed as R/4. It is submitted that one Shri Bharat Lal Nanda has already been recruited as a Sweeper at Balaghat vide Memo B1-55/BLN/99 dated 27.12.1999. A copy of the same is annexed as Annexure R/5."

4.1 It is argued by the learned counsel for the respondents that no rejoinder has been filed by the applicant to rebut the preliminary submissions of the respondents.

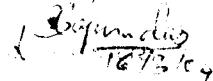
5. After careful perusal of the facts of the case and hearing the arguments advanced by the learned counsel for the respondents, we are of the opinion that there is no merit in this O.A. and the same is accordingly dismissed. No costs.


(MADAN MOHAN)
MEMBER (J)


(M.P. SINGH)
VICE CHAIRMAN

/na/

Pranay Gupta
SA Dharmikari


18/3/04


M.P. Singh
18/3/04