

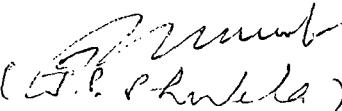
23/10/07

Mr. C.R. Sharma, counsel for applicant.

Mr. V.S. Bhatia, counsel for respondent.

Heard the learned counsel for the parties.

The case stands disposed of by a separate order.


(G.L. Chandra)
m (P)


(M.L. Chanchan)
m (I)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 23rd day of October, 2007

ORIGINAL APPLICATION NO.371/2005

CORAM :

HON'BLE MR. M. L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. J. P. SHUKLA, ADMINISTRATIVE MEMBER

Babu Lal Sharma,
Casual Labour (Temporary Status holder),
O/o Principal Chief Post Master General,
Rajasthan Circle,
Jaipur.

... Applicant
(By Advocate : Shri C. B. Sharma)

Versus

1. Union of India through
Secretary to the Govt.,
Department of Posts,
Ministry of Communication &
Information Technology,
Dak Bhawan, Sansad Marg,
New Delhi.
2. Principal Chief Post Master General,
Rajasthan Circle,
Jaipur.

... Respondents
(By Advocate : Shri V. S. Gurjar)

ORDER (ORAL)

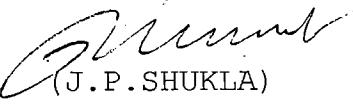
PER HON'BLE MR. M. L. CHAUHAN

Heard the learned counsel for the parties.
Grievance of the applicant is that as per the Policy
decision (Ann.A/2) it was not permissible for the
respondents to make recruitment from Group-D post from
the open market till casual labourers with requisite
qualifications are available to fill up the post in
question.

2. However, the stand taken by the respondents in their reply is that the engagement of the applicant as a casual labour was void ab-initio inasmuch as there was a ban at the relevant time for engaging the casual labour as also the applicant was over-aged when he was engaged. It was further submitted that the case of the applicant for relaxation of age was taken up by the respondents but the same was rejected vide order dated 7.8.2000 (Ann.R/2). Learned counsel for the applicant submitted that subsequently the Recruitment and Promotion Rules (Ann.A/12) have been amended and as per Rule-7 there is a power of relaxation in respect of category of posts or individual concerned. Learned counsel for the applicant further submitted that at this stage he will be satisfied if the case of the applicant is considered in the light of Rule-7 by the competent authority and for that purpose he will make a representation to respondent No.1 making out a case of his hardship.

3. In view of the submissions made by the learned counsel for the applicant and without entering into the merit of the case, we are of the view that it will be in the interest of justice if the case of the applicant is considered by respondent No.1 keeping in view that the applicant has rendered 15 years of service with the respondents so as to enable him to be made eligible for a Group-D post.

4. Accordingly, the respondent No.1 is directed to decide the representation of the applicant within two months from the date of receipt of such representation, in case such representation is made by the applicant within one month from today. With these observations, the OA stands disposed of without entering into the merit of the case. No costs.


(J.P. SHUKLA)
MEMBER (A)

vk


(M.L. CHAUHAN)
MEMBER (J)