

**THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR  
ORDER SHEET**

APPLICATION NO.: \_\_\_\_\_

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

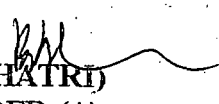
**06.11.2008**

**OA No. 423/2006**

Mr. C.B. Sharma, Counsel for applicant.  
Mr. Gaurav Jain, Counsel for respondents.

Heard learned counsel for the parties.

For the reasons dictated separately, the OA is disposed of.

  
(B.L. KHATRI)  
MEMBER (A)

  
(M.L. CHAUDHARY)  
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH

Jaipur, this the 06<sup>th</sup> November, 2008

**ORIGINAL APPLICATION NO. 423/2006**

**CORAM:**

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER  
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Smt. Kusum George wife of Shri George Joseph aged about 44 years, resident of C-25, Prem Colony, Near Surya Nagar, Tonk Road, Jaipur and presently working on the post of Laboratory Technician Postal Dispensary No. 2, Tilak Nagar, Jaipur.

.....APPLICANT

(By Advocate: Mr. C.B. Sharma)

VERSUS

1. Union of India through its Secretary to the Government of India, Department of Posts, Ministry of Communication and Information Technology, Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Chief Medical Officer Incharge, Postal Dispensary No. 2, Tilak Nagar, Jaipur.

.....RESPONDENTS

(By Advocate: Mr. Gaurav Jain)

**ORDER (ORAL)**

The applicant has filed this OA thereby praying for the following reliefs:-

- (i) That respondents be directed to count services from 01.04.1982 to 05.04.1989 as regular service on the post of Laboratory Technician by quashing letter dated 23.02.2006 (Annexure A/1) with all consequential benefits.

to

- (ii) That the respondents be further directed to extend benefits of ACP etc. treating the applicant as appointee of 01.04.1982 with all consequential benefits.
- (iii) Any other order, direction or relief may be passed in favour of the applicant, which may be deemed fit, just and proper under the facts and circumstances of the case.
- (iv) That the cost of this application may be awarded."

2. Briefly stated, facts of the case as pleaded by the applicant are that the applicant was engaged as Laboratory Technician w.e.f. 01.04.1982. It is the case of the applicant that subsequently the name was sponsored by Employment Exchange on 06.08.1982, the applicant was called for interview, which selection was postponed from time to time and ultimately ~~in the year 1985~~ the applicant was selected in the year 1985 vide order dated 13.02.1985. It is further pleaded that applicant continued on the post w.e.f. 01.04.1982 till she was given regular appointment on 05.04.1989. The grievance of the applicant is that the period w.e.f. 01.04.1982 to 05.04.1989 should be counted for the purpose of qualifying service.

4. Notice of this application was given to the respondents. The respondents have filed reply. In the reply, the facts, as stated above, have not been disputed. However, it has been stated that the applicant was engaged as an outsider on the post of Laboratory Technician w.e.f. 01.04.1982 for a period of 90 days and the applicant was called for the interview held on 27.08.1982 but due to some administrative reasons, the candidates could not be selected by the Selection Board. Thereafter, the applicant was again called for interview on 18.01.1985 but again the interview was postponed due to administrative reasons. Ultimately, the applicant was selected for the post vide order dated 13.02.1985 but the applicant could not be given appointment on the said post due to ban to fill up the post and was given appointment on the said post w.e.f. 06.04.1989. Thus according to the respondents, the applicant was engaged as an outsider against the vacant post of Laboratory Technician on daily wage basis during the period from

01.04.1982 to 05.04.1989 till her regular appointment and as such the period cannot be counted for the purpose of qualifying service.

5. Learned counsel for the applicant has drawn out attention to order dated 13.02.1985 (Annexure A/5) and 02.03.1987 (Annexure A/6) and submits that applicant was not engaged on Casual basis where <sup>as</sup> she was given appointment on ad hoc basis after facing the selection board against the vacant post and as such, the entire period prior to her regularization has to be counted for service.

6. We have heard the learned counsel for the parties and have gone through the material placed on record. As can be seen from Annexure at R/1, It is evident that applicant also made a representation regarding counting of her past service prior to appointment of Laboratory Technician towards seniority and all purposes and the same was rejected vide order dated 21.02.2006 (Annexure R/2). Perusal of Annexure R/2 reveals that representation of the applicant was rejected entirely on different ground regarding payment of pay & allowances whereas as can be seen from Annexure R/1, the grievance of the applicant is regarding counting of service rendered prior to her appointment on the post of Laboratory Technician towards seniority and all purposes. Thus the case of the applicant has not been considered in right perspective. Thus we are of the view that the matter can be disposed of at this stage with a direction to the respondents to pass appropriate order regarding counting of service rendered prior to regularization of her service as Laboratory Technician. For that purpose, the applicant may make fresh representation to Respondent no. 2 within a period of 15 days from today and in case such representation is made within 15 days from today, respondent no. 2 shall decide the same by passing the speaking & reasoned order within a period of two months from the date of receipt of such representation.

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7. With these observations, the OA is disposed of at admission stage with no order as to costs. It may be noticed that we have not expressed any opinion on the merit of the case and the matter has been disposed of solely on the ground that the representation of the applicant has not be disposed of by the respondents in the right perspective.

  
**(B.L. KHATRI)**  
**MEMBER (A)**

AHQ

  
**(M.L. CHAUHAN)**  
**MEMBER (J)**