

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET


ORDERS OF THE TRIBUNAL


20.3.2008

OA 457/2006

Mr.P.N.Jatti, counsel for applicant.
Mr.V.S.Gurjar, counsel for respondents.

Heard learned counsel for the parties. The
OA stands disposed of, at admission stage itself,
by a separate order.


(J.P.SHUKLA)
MEMBER (A)


(M.L.CHAUHAN)
MEMBER (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 20th day of March, 2008

ORIGINAL APPLICATION NO.457/2006

CORAM :

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

Prahlad Sharma,
Mail Motor Driver,
O/o Senior Superintendent of Post Offices,
Jaipur City Division,
Jaipur.

... Applicant

(By Advocate : Shri P.N.Jatti)

Versus

1. Union of India through
Secretary to the Govt.,
Department of Posts,
Ministry of Communication &
Information Technolgy,
Dak Bhawan, Sansad Marg,
New Delhi.
2. Chief Post Master General,
Rajasthan Circle,
Jaipur.
3. Sr.Supdt. of Post Offices,
Jaipur City Division,
Jaipur.

... Respondents

(By Advocate : Shri V.S.Gurjar)

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

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

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"That by a suitable writ/order or direction the respondents be directed not to dis-engage the applicant from the work of Mail Motor Driver."

2. In sum and substance, grievance of the applicant is that he is working as Mail Motor Driver with the respondents since 5.1.2003. The applicant has also placed on record copy of the attendance register w.e.f. August, 2004 upto June, 2005 in order to show that he was engaged as E.D.Driver. Apprehension of the applicant is that his services shall be replaced by engaging a fresh daily wage driver.

3. When the matter was listed before this bench on 4.12.2006, this Tribunal granted an ex-parte interim stay in favour of the applicant and the respondents were directed to continue the applicant on the post of Mail Motor Driver in case the work is available. It was further made clear that the respondents shall not engage a person on daily wage basis on the said post till the next date. It was also clarified that in case the respondents resort to filling up the post on regular basis, this order will not come in their way.

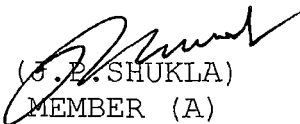
4. The respondents have filed their reply. In the reply the respondents have categorically stated that due to shortage of Mail Motor Drivers in Jaipur Sub Division services of the applicant are being utilized as an outsider driver in Mail Motor Services for smooth functioning against short term vacancy/vacant post of driver for a short period (less than 90 days at a stretch) but not regularly. It is further stated that the applicant is being paid for the duties he is performing and apprehension of the applicant that his services will be terminated by engaging a fresh Mail Motor Driver on casual basis is wholly misconceived.

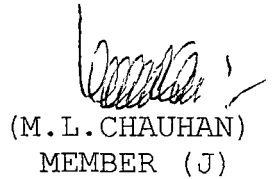
5. In view of what has been stated above, we are of the view that the present OA can be disposed of, at

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this stage, if a direction is given to the respondents not to disengage services of the applicant on the said post, if the work is available. Ordered accordingly. However, it will be permissible for the respondents to fill up the aforesaid post on regular basis and services of the applicant shall not be replaced by engaging any casual Mail Motor Driver.

6. With these observations, the OA stands disposed of at admission stage itself. No order as to costs.


(J. P. SHUKLA)
MEMBER (A)


(M. L. CHAUHAN)
MEMBER (J)

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