

Central Administrative Tribunal
Jaipur Bench, JAIPUR

ORDERS OF THE BENCH

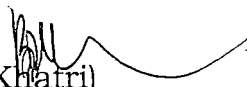
29th July, 2009


OA. 163/2007
MA 95/2007

Present: Shri Mukesh Kumar Goyal, counsel for applicant
Ms. Kavita Bhati proxy for Sh. Kunal Rawat, counsel for
respondents

Heard counsel for the parties.

For the reasons to be dictated separately, the OA shall stands
dispose of.


(B.L. Khatri)
Member (Administrative)


(M.L. Chauhan)
Member (Judicial)

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Central Administrative Tribunal
Jaipur Bench, JAIPUR

OA. 163/2007
MA 95/2007

This the 29th day of July, 2009

Hon'ble Shri M.L. Chauhan, Member (Judicial)
Hon'ble Shri B.L. Khatri, Member (Administrative)

Bhonri Lal Seni S/o Shri Bhagirath Seni
Aged about 55 years,
R/o 22 Godown at presently employed
on the post of Casual Labour in department of post,
Jaipur Rajathan;

.....Applicant

(By Advocate: Shri Mukesh Kumar Goyal)

- **V e r s u s** -

1. Union of India through Secretary, Department of Post,
Dak Bhawan, Sansad Marg, New Delhi.
 2. The Chief Post Master, Rajasthan Circle, Jaipur-7.
 3. Senior Superintendent of Post Offices, Jaipur City
Division, Jaipur.
 4. Postmaster, Ghandi Nagar, Post Office, Jaipur.
- Respondents

(By Advocate: Ms. Kavita Bhati proxy for Sh. Kunal
Rawat, Sr. Standing Counsel.)

O R D E R (ORAL)

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

1. That the impugned order dated 31.1.2006 (Annexure A-1) may please be declared illegal, arbitrary and the same may please be quashed and further respondents may please be directed to regularize the applicant as full time worker in light of various circular issued by the department with all consequential benefits.
2. Any other order/direction may please be passed in favour of applicant who may be fit just and proper under facts and circumstances of the case.

2. Briefly stated facts of the case are that applicant was engaged as part time Waterman in the Ghandinagar Post office.

Earlier, the applicant has filed OA 578/2004 thereby praying that direction may be given to the respondents to grant temporary status w.e.f. 12.4.1991 and further that he may be considered for the post of group 'D'. The said OA was disposed of by the Tribunal's order dated 8.11.2005. At this stage, it will be relevant to quote operative portion which thus reads as "Having regard to these admitted facts, I direct that the respondents shall consider the case of the applicant and shall examine whether the applicant can be made full time Waterman by readjustment of combination of duties s per extent rules. This exercise shall be made within a period of three months from the date of receipt of this order. No costs."

3. Pursuant to the aforesaid order respondent has passed impugned order annexure A/1 whereby it has been stated that the case of the applicant was considered in the light of the order rendered by this Tribunal, in the earlier OA as well as pursuant to the directions issued by Director General vide order dated 16.9.1992 which stipulates readjustment or combination of duties in order to regularize part time employee as full time Casual Labourer. Since there is no other work available in the adjoining Post Office and applicant is working part time Casual Labourer in the Gandhinagar Post Office for 5.23 hours as such he cannot be regularized as full time Casual labour on account of non availability of work in other post offices. From the perusal of impugned order it is also clear that case of the applicant was also considered in the light of the order of Director General Post Office issued on 30.11.2998 by combining duties of the applicant with EDA agents. It is further stated that


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minimum qualification for the post of ED is middle pass as such the applicant cannot also be adjusted as ED agents.

4. In view of what has been stated above, we are of the view and we see no infirmity in the order dated 31.1.2006 Annexure A/1. Accordingly, ^{applicant is} ~~respondents are~~ not entitled to grant of any relief. Accordingly, the present OA is dismissed with no order as to the costs.

5. In view of order passed in the aforesaid OA, no order is required to be passed in the MA and the same shall also be disposed of accordingly.


(B.L. Khatri)
Member (Administrative)


(M.L. Chauhan)
Member (Judicial)

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