

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/00041/2017

DATED THIS THE 3RD DAY OF JANUARY, 2018

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI K.N. SHRIVASTAVA, MEMBER(A)

B. Srinivasa,
Aged about 56 years,
S/o late Bettaiah,
T/S Casual Labourer, Bangalore City RMS,
BG-560023.
Residing at No. 21, 6th Cross,
19th Main, Muneswara Block,
Bangalore -560026. ...Applicant.

(By Advocate Shri B. Venkateshan)

V/s.

1. Union of India.,
Rep. by the Secretary,
Department of Posts,
Dak Bhavan,
New Delhi-110 001.
2. The Chief Post Master General,
Karnataka Circle,
Bangalore-560 001.
3. The Director of Accounts (Postal)
BG GPO Complex, Bangalore-560 001.
4. The Sr. Superintendent,
Railway Mail Service, Bangalore Sorting Division,
Bangalore-560 026.Respondents.

(By Shri M. Rajakumar, Sr. Central Government Counsel)

O R D E R (ORAL)

HON'BLE DR K.B. SURESH, MEMBER(J)

Heard. The matter relates to regularization of an employee who started his work in 1988 and thereafter he had been granted temporary status

and then the pay scale of Group 'D' was also granted to him. The only objection put forth by the respondents is that the applicant has crossed the age limit. But the age should be computed on the basis of age available at the time of his employment in the beginning. Since that seems to be in favour of the applicant, the applicant has a right to be regularized in accordance with law. This may be done within 3 months next.

3. OA allowed. No order as to costs.

(K.N. SHRIVASTAVA)
MEMBER(A)

(DR. K.B. SURESH)
MEMBER(J)

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Annexures referred to by the applicant in OA No.170/00041/2017

Annexure A1: True copy of HRQ,RMS Stg.Memo OA1/HRO/Contingent/88-89 dated 26.5.88

Annexure A2: True copy of HRQ,RMS Stg.No. OA1/ 4A /94-95 dated 12.1.95

Annexure A3:True copy of HRQ,RMS Stg.No. OA1/ 4A /97-98 dated 5.3.95

Annexure A4: True copy of SSRM, BG Stg.No.B11/Rectt/MTS/2016-17 dated 4.4.2016

Annexure A5: True copy of DG Posts OM.No.45-95/87-SPB.I dated 12.4.91

Annexure A6: True copy of DOPT OM.No.49014/4/2007-Estt.(C) dated 9.5.08

Annexure A7: True copy of DOPT OM.No.49014/2/2014-Estt.(C) dated 26.2.16

Annexure A8: True copy of DG Post OM.No.01-07/2016-SPB.I dated 22.7.16

Annexure A9: True copy of MTS (GR-D) Rectt. Rules issued by DG Posts

Annexure A10: True copy of DG Posts OM.No.37-332009-SPB.I dated 13.1.16

Annexure A11: True copy of applicant's School Transfer certificate dated 22.9.77 for age proof.

Annexure A12: True copy of applicant's caste certificate dated 29.7.2016.

Annexure A13: True copy of CAT BG order dated 28.12.2011 in OA.138/2010

Annexure A14: True copy of HC BG judgment dated 11.7.2013 in WP.7258/2012

Annexure A15: True copy of Apex Court judgement in CC-1135/2014

Annexures with reply statement:

Annexure R-1: True copy of letter No.15-14/92-SPB-I dated 16.9.92

Annexure R-2: True copy of letter No.66-9/91-SPB-I dated 30.11.92

Annexure R-3: True copy of memo No. OA1/HRO/Cont./ dated 7.6.1983

Annexure R-4: True copy of revised seniority list as on 11.7.2012

Annexure R-5: True copy of applicant's caste certificate dated 24.7.1999

Annexure R-6: True copy of Recruitment Rules, 2015 clarification

Annexure R-7: True copy of Recruitment Rules, 2015

Annexure R-8: True copy of letter No. R&E/2-19/2015Kw dated 30.9.2015

Annexure R-9: True copy of applicant's School Transfer certificate dated 29.9.77 for age proof.

Annexure R-10: True copy of Minutes of the DPC meeting held on 13.11.2015

Annexure R-11: True copy of Casual Labour -Chapter 23

Annexure R-12:True copy of HC BG judgment dated 27.11.2015 in WP.24254/2015(S-CAT)

Annexure R-13 :True copy of HC BG judgment dated 28.10.2013 in WP.18452/2010(S-CAT)

Annexure R-14:True copy of HC BG judgment dated 21.9.2004 in WP.20669-70/2003(S-CAT)

Annexures with additional reply statement:

Annexure AR-1: True copy of HC BG interim order dated 11.8.2015 in WP.24254/2015(S-CAT)

Annexure AR-2: True copy of HC BG interim order dated 24.7.2015 in WP.24260/2015(S-CAT)

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