

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00337/2018

Dated Monday the 9th day of July Two Thousand Eighteen

PRESENT

HON'BLE MR. R. RAMANUJAM, Member (A)

P.Marimuthu,
S/o. K. Ponnann,
3/143, 2, West Meenatchinayakanpatti,
Dindigul District,
Pin 624002.Applicant

By Advocate M/s. R. Malaichamy

Vs

- 1.Union of India,
rep by the Assistant Director General (GDS),
Ministry of Communications & IT,
Department of Posts, (GDS section),
Dak Bhawan, Sansad Marg,
New Delhi 110001.
- 2.The Senior Superintendent of Post Offices,
Dindigul Division,
Dindigul 624001.Respondents

By Advocate Mr. M. Kishore Kumar

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

- “i. To call for the records of the 1st respondent pertaining to his letter made in No. 17-39/4/2012-GDS dated 14.01.2015 in so far as it concerned with the cutoff date as 01.09.1993 and also call for the records of the 2nd respondent pertaining to his order made in No. BII/Misc/Dlgs dated 03/06.02.2017 and set aside the same; consequent to,
- ii. direct the respondents to absorb the applicant as GDS with all attendant benefits and
- iii. To pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.”

2. It is submitted that the applicant is aggrieved by Annexure A2 impugned communication by which his representation dt. 01.01.2017 seeking regular appointment as GDS was rejected on the ground that he had only been engaged as an outsider in a leave vacancy and that all recruitment in the cadre of GDS would be as per GDS(Conduct) Rules 2011. It is submitted that merely because the applicant was engaged as an outsider, he could not be excluded from eligibility for the purpose of regularisation. It is also submitted that the applicant had been engaged from 1992 onwards and, therefore, was entitled to be regularised in terms of the 1993 scheme that prescribed a cut off date of 1993 for such purpose. Attention is also drawn to G.I. Dept. of Posts. Lr. No. 65-24/88-SPB.I, dated the 17th May, 1989 whereby all daily wagers working in a Post Office or in an RMS office or in any

administrative offices or PSDs / MMS under different designations (Mazdoor, casual labourer, contingent paid staff, daily wager, daily rated mazdoor, outsider) were to be treated as casual labourers. The casual labourers who were engaged for less than 8 hours a day should be described as part-time casual labourers. In the case of all part-time casual labourers, half of the service rendered by them would be taken into account. Accordingly, if a part-time casual labourer had served for 480 days, he would be treated for the purpose of recruitment, to have completed one year of service as full time casual labourer. Substitutes were also ranked at priority No. 5 for the purpose of regularisation. Therefore, the respondents ought not to have rejected the applicant's claim summarily, it is urged.

3. On perusal, it is seen that the applicant has not attached a copy of his representation dt. 01.01.2017 and therefore, it is not clear what claims had been made by the applicant therein and with what supporting evidence. However, Annexure A2 impugned order is non-speaking to the extent that it fails to indicate the period of engagement of the applicant and explain how the applicant failed to meet the requirements of the regularisation scheme. Accordingly, I am of the view that the ends of justice would be met in this case if the applicant is permitted to make a detailed representation with regard to his claim along with the supporting documents, if any within a period of two

weeks from the date of receipt of a copy of this order. On receipt of such representation, the competent authorities shall consider the same in accordance with the provisions of the relevant regularisation scheme, keeping in view also the definition of part-time and full-time casual labourers as well as their eligibility in terms of the letter dated 17.05.1989 cited supra and pass a reasoned and speaking order within a period of three months thereafter.

4. OA is disposed of with the above direction at the admission stage.

(R. Ramanujam)
Member(A)
09.07.2018

SKSI