

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.256/2018.

Date of Decision: 03.05.2018.

CORAM: HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)

Shri Chandrakant D. Kamble,
 R/at 202, Violate Society,
 C Wing, 2nd Floor, Murbad
 Road, Syndicate Naka, Near
 Janata Sahakari Bank,
 Kalyan (West) – 421 301. *Applicant*
(By Advocate Shri Vicky Nagrani)

Versus

1. Union of India, Through
 The Post Master General
 General Post Office,
 CSTM, Mumbai 400 001.
2. The Director,
 General Post Office,
 CSTM, Mumbai 400 001. ... *Respondents*

ORDER (Oral)

Per : Shri A.J. Rohee, Member (J)

Today Division Bench is not available. Hence, the matter is taken up before Single Bench for Admission.

2. Heard Shri V.A. Nagrani, learned Advocate for the Applicant, when the matter is called out for Admission. I have carefully perused the case record.
3. The Applicant was previously engaged as Casual Labour with the Respondents. In

the previous OA No.549/1994 filed by the Applicant and few other similarly placed employees, a direction was issued to the respondents to continue them on casual basis, if there is sufficient work and then consider them for regularization/absorption in the light of the decision in ***State of Haryana & Ors., Vs. Piara Singh & Ors., 1992 (4) SCC 118.*** The Applicant's grievance is that although juniors were considered and regularized/absorbed, he was not given the same treatment in spite of his representation dated 07.02.2017. It is also stated that on account of his illness, the services of the applicant were discontinued in the year 2006 and thereafter he was orally promised that his case will be considered for absorption.

4. In this OA, the following reliefs are sought:

"8.a) This Hon'ble Tribunal may graciously be pleased to call for the records of the case from the respondents and after examining the same direct the respondents to absorb the applicant in accordance with the Instructions dated 17.05.1989, and in view of order dated 22.07.1998 passed by this Hon'ble Tribunal in Original Application No.549/94 w.e.f. the date his colleagues are absorbed i.e. 18.02.2015 with all consequential benefits.

8.b) Alternatively this Hon'ble Tribunal may be pleased to direct the respondents to consider the case of the applicant for regularization of his services prospectively, and if found fit, to regularize him with all consequential benefits.

8.c) Costs of the application be provided for.

8.d) Any other and further order as this Hon'ble Tribunal deems fit in the nature and circumstances of the case be passed."

5. Since representation is pending, the Respondent No.2 is hereby directed to consider and pass a reasoned and speaking order on the pending representation dated 07.02.2017 (Annexure A-5) of the applicant, in accordance with law, within a period of six weeks from the date of receipt of certified copy of this order.

6. The order so passed shall then be communicated to the applicant at the earliest, who will be at liberty to approach the appropriate forum, in case his grievance still persists.

7. The OA stands disposed of with the aforesaid directions at the admission stage, without issuing notice to the respondents or without making any comments on merits of the claim and keeping the legal plea of

limitation open.

8. Registry is directed to forward certified copy of this order to both the parties at the earliest for taking appropriate steps in the matter.

9. *DASTI.*

(A.J.Rohee)
Member (J)

dm.