

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.255 of 2016

Date of order: This the 27th Day of July 2016.

HON'BLE MRS. MANJULA DAS, JUDICIAL MEMBER

HON'BLE MOHD HALEEM KHAN, ADMINISTRATIVE MEMBER

Shri Bipin Bhagabati
S/O Sri Sanatan Bhagabati
R/O.Village-Chaparmukh,
Dist-Nagaon, Assam

Applicant

By Advocate A.Khalique

-Versus-

1. Union of India
Represented by the
Secretary to the Govt. of India
Department of Posts, India,
New Delhi-110001.
2. The Chief Post Master General
Assam Circle, Panbazar
Guwahati-1
District-Kamrup, Assam
PIN-781001.
3. The Senior Supdt. Of R.M.S.
Guwahati Division, Guwahati-1
District-Kamrup, Assam
PIN-781001

Respondents

By Advocate .C.G.S.C.

ORDER**Per Mrs Manjula Das, Member(J):**

By this O.A. applicant makes a prayer to direct the respondents to regularize the services of the applicant in the permanent vacant post.

2. Mr.A.Khalique, learned counsel for the applicant admitted that applicant was initially appointed as Part time Farash Cum Water Carrier w.e.f 21.09.1996 to 30.11.2015 and posted at Saparmukh Rly. Station. The applicant filed various representations praying for regularization of his service. On 28.05.2005 the respondents asked the applicant whether he was willing to work as GDS service. He submitted his willingness to work as GDS Service. However, he was not appointed in any post. Being aggrieved he filed representation on 13.05.2007 and the authority vide reply dated 16. 6 .2007 rejected his claim. Learned counsel for the applicant further submitted that in a similar matter namely O.A.No.271 of 2014, this Tribunal vide order dated 21.11.2015 directed the respondents to consider the case of the applicant for regularization. Pursuant thereto, the learned counsel for the applicant

submits that applicant has been working continuously as Part time Farash Cum Water Carrier for more than 19 years without any break in service and therefore, he deserves regularization. Learned counsel in support of his contention placed before us a circular dated 30.06.2014 issued by the Department of Posts, ministry of Communication & IT, Govt. of India. As per the said circular, if a casual labourer is irregularly appointed but duly qualified for the post and was appointed against a sanctioned post and has worked for more than 10 years, his services shall be regularized by the department. According to the learned counsel present applicant's case is squarely covered by the circular dated 30.06.2014 issued by the Govt of India, Ministry of Communication and I.T, Department of Posts, passed in terms of law laid down by the Hon'ble Supreme Court in the case of **Secretary, State of Karnataka & Others Vs. Uma Devi (3) & Others, (2006) 4 SCC 1**. Learned counsel, therefore, prays for a similar direction.

4. On hearing the learned counsel for the applicant and on perusal of the pleadings and other material placed on record, we dispose of the present O.A. with direction to the respondents to consider the case of the applicant in view of the circular dated 30.06.2014 issued by the Govt. of India, Ministry of Communication and

I.T Department of Posts, passed in terms of the law laid down by the Hon'ble Supreme Court in the case of **Secretary, State of Karnataka & Others Vs.Uma Devi (3) & Ors, (2006) 4 SCC 1** within a period of four months from the date of receipt of the order.

5. There will be no order as to costs.

(MOHD HALEEM KHAN)
ADMINISTRATIVE MEMBER

(MANJULA DAS)
JUDICIAL MEMBER

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