

**CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH**

OA/310/01584/2015

Dated Friday the 2nd day of November, Two Thousand Eighteen

PRESENT

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

D.Khader Mohideen,
Multi Tasking Staff (MTS),
T.Nagar Head Post Office,
Chennai 600 017. .. Applicant

By Advocate M/s P.R.Satyanarayanan

Vs.

1. Union of India,
Rep., The Chief Postmaster General,
Tamil Nadu Circle, Chennai 600 002.

2. Postmaster General,
Chennai City Region,
Chennai 600 002.

3. Senior Superintendent of Post Offices,
Chennai City Central Division,
Chennai 600 017. .. Respondents

By Advocate Mr.K.Ramasamy

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

The applicant has filed this OA under Section 19 of the Administrative Tribunal's Act, 1985 seeking the following reliefs:

“(i)To call for the records relating to the proceedings No.B3/PF/DK dated 01.04.2015 passed by the third respondent which was confirmed by proceedings No.REP/83-Misc/2015 dated 28.07.2015 passed by the first respondent and quash them as arbitrary, illegal and discriminatory and direct the respondents to regularize the applicant as regular Group D w.e.f 06.10.2000 in accordance with the guidelines issued by the GOI Dept. Of Posts. Lr.No.45-95/87-SPB-I dated 12.04.1991 on par with his junior viz. Tmt.T.Uma and

(ii)Pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice.”

2. It is submitted that the applicant was appointed as a Casual Labourer w.e.f 23.01.1981. In pursuance of a scheme called “Casual Labourers (Grant of Temporary Status and Regularization) Scheme” formulated by the respondents by circular No.45-95/87-SPB-I dated 12.04.1991, the applicant was conferred with temporary status in the Group D cadre with retrospective effect from 29.11.1989 by an order of the 3rd respondent dated 26.11.1992. The scheme also provided for regularization as regular Group D after completion of three years of temporary status and for 50% of the services rendered as temporary status Group 'D' to be counted for the purpose of retirement benefits.

3. It is alleged that subsequently by a memo dated 30.09.1993 issued by the 3rd respondent, four 'juniors' of the applicant including one Smt.T.Uma were conferred with temporary status. The said

T.Uma was regularized w.e.f 06.10.2000 whereas the claims of the applicant along with certain other seniors had been overlooked. Aggrieved by the inaction of the respondents and an alleged discriminatory benefit extended to a junior of the applicant, the applicant is before this Tribunal.

4. The respondents would contend that the applicant who was working in 3rd respondent division could not compare his case with that of the said Smt.T.Uma who was regularized in the office of the first respondent. It is submitted that the applicant continued to work in the 3rd respondent division when the policy decision was taken in 2001 for optimization of direct recruitment to civilian post on account of which the number of vacancies available for regularization of casual labourers with temporary status had come down and the applicant could not be accommodated. Once the vacancies were available, the applicant was considered against the quota available for casual labourers and he was appointed MTS by an order dated 29.03.2011 of the 3rd respondent.

5. Learned counsel for the applicant would produce a copy of the order of this Tribunal in OA 941/2010 dated 22.11.2012 by which an identically placed senior of the said Smt.T.Uma had been granted relief and the respondents were directed to pass a similar order of regularization for the applicant therein. It is alleged that the applicant

herein is senior to the applicant in OA 941/2010 besides being senior to the said Smt.T.Uma. It is also submitted that the order of the Tribunal in OA 941/2010 dated 22.11.2012 was implemented by the respondent department. Accordingly, the applicant is entitled to similar relief, it is contended.

5. I have considered the matter. Since the only contention of the respondents is that the applicant could not be regularized as he was working in the 3rd respondent division and, therefore, could not compare himself with the said Smt.T.Uma which contention had been overruled by this Tribunal in OA 941/2010, the applicant is entitled to a similar relief. Accordingly, the competent authority is directed to pass orders of regularization in respect of the applicant similar to the applicant in OA 941/2010 within a period of two months from the date of receipt of a copy of this order.

6. OA allowed in the above terms. No costs.

(R.Ramanujam)
Member(A)
02.11.2018

M.T.