

**CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH**

OA.No.761/2017

Dated Tuesday, the 9th day of April, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

C.V.Hari,
S/o.Late C.K.Venkatasamy,
No.148, Pullapuram,
Kilpauk, Chennai 600 010. ... Applicant

By Advocate M/s R.Malaichamy

Vs.

1.Union of India, Rep., by the
Senior Superintendent of Post Offices,
Chennai City Central Division,
T.Nagar, Chennai 600 017. ... Respondents

By Advocate Mr.S.Nagarajan

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 respondent pertaining to his order made in No.A/OA 310/01981/2014 dated 24.03.2017 and set aside the same consequent to,
(ii)To direct the respondent to absorb the applicant on regular basis as Gardener or Sweeper or as MTS with all service 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. The case of the applicant is that he is a Part Time Contingent Gardener engaged by the respondents w.e.f 07.10.1996. His services have not yet been regularized. The applicant sought regularization in OA 1981/2014 which was disposed of by an order of this Tribunal dated 29.07.2016 directing the respondents to consider his case at the time of filling up the vacancy of MTS or Gardener on a regular basis sympathetically, if necessary by relaxing the age restriction.

3. Annexure A-6 order dated 20.10.2016 was passed in pursuance of the above wherein it was stated that currently the post of Gardener was not a sanctioned one. As and when sanction

for the post of Gardener would be received and action taken to fill up the same, the case of the applicant would be considered suitably.

4. As regards the request for appointment as MTS, Annexure A-9 order dated 24.03.2017 was passed stating that MTS posts were available only for Casual Labourers conferred with temporary status and engaged on or before 01.09.1993 against 25% of the vacancies. Since the applicant had joined only in 1996, he was not covered by the scheme.

5. Learned counsel for the applicant submits a memorandum on behalf of the applicant wherein it is stated that the applicant was not particular about being regularized on the post of Gardener at the same place where he is presently engaged. If there is any sanctioned vacant post anywhere else under the respondents in the State of Tamil Nadu, the applicant would be willing to be considered for appointment thereagainst.

6. Learned counsel for the official respondents submits that the post of Gardener is not a sanctioned post and presently no such post is being filled anywhere under the respondents' establishment. However, in the event of a sanctioned post being available, the case of the applicant would be considered as per the orders of the

Tribunal.

7. Keeping in view the above submission, the respondents are directed to take note of the applicant's willingness to serve anywhere in the State of Tamil Nadu and examine if it is possible for them to regularize him on any vacant sanctioned post, keeping in view his long engagement from 1996 onwards.

8. OA is disposed of in the above terms. No costs.

**(R.RAMANUJAM)
MEMBER (A)
09.04.2019**

M.T.