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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**



CP No.237/2004

In

OA No.1853/2003

New Delhi this the 13th day of December, 2004.

HON'BLE MR. V.K. MAJOTRA, VICE-CHAIRMAN (A)
HON'BLE MR. SHANKER RAJU, MEMBER (J)

1. Khacheru Singh S/o Shri Ram Singh
2. Atvir Singh S/o Shri Dunger Singh
3. Harish Chandra S/o Shri Durga Prasad
4. Anokhey Lal S/o Shri Ganga Sahay
5. Niranjan S/o Shri Hoti Lal
6. Udayvir Singh S/o Shri Chiddan Lal
7. Ram Prasad S/o Shri Puran Singh
8. Dev Karan Singh S/o Shri Bhagwan Sahai
9. Ram Jesh Singh S/o Shri Budha Singh
10. Shri Ram S/o Shri Tuki Ram
11. Chand Kiran S/o Shri Shiv Charan Das
12. Kailash Chand S/o Shri Shanker Lal

-Petitioners

(By Advocate Shri D.P. Sharma)

-Versus-

1. Shri Vijay Bhushan,
Secretary,
Ministry of Communication and I.T.,
Department of Posts,
Dak Bhawan Sansad Marg,
New Delhi.
2. Shri Pyare Lal,
Superintendent of Post Offices,
Bulandshahar Division,
Bulandshahar Division,
Bulandshahar.

Respondents

(By Advocate Shri R.N. Singh and Shri D.S. Mahendru, Advocate)

ORDER (ORAL)

Mr. V.K. Majotra, Hon'ble Vice-Chairman (A):

Heard.

2. Vide order dated 9.3.2004 OA-1853/2003 was disposed of
with a direction to the respondents that they shall fill up the

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remaining quota of 25% including $\frac{3}{4}$ for GDS and $\frac{1}{4}$ for CPs i.e. casual labourers for regularisation within a period of three months from the communication of those orders.

3. While the learned counsel of the petitioners has stated that though the respondents have 9 vacancies in the quota meant for regularisation of the casual labourers, respondents have not regularised the petitioners.

4. On the other hand respondents' counsel have stated that respondents had two vacancies for the year 2000 and two for the year 2003. For all these three years below one vacancy falls to the share of the casual labourers and as such the respondents have not regularised the casual labourers against 25% of the vacancies which remained unfilled during these years. Similarly they have also stated that the information regarding the retired Group-D officials by the petitioners is also incorrect. They have stated that no official of the name of Sh. Saran Singh and Shri Kati Prasad have retired from Buleandshahar Headquarter and no official, namely, OM Prakash has retired from NAPP Narora. Th^{-us} h according to the respondents ^{they} h have not been able to regularise the petitioners as no vacancy exists for the purpose. Respondents have also stated that as and when vacanc^{-ies} h for Group-D occurs, the case for regularisation in Group-D post of the petitioners shall be considered.

5. The issue of existence of vacancy is a contentious issue which can be raised, if so advised, by the petitioners separately. In any case, respondents have stated that when vacanc^{-ies} h in Group-D occurs, the petitioners' case for regularisation shall be considered.

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6. In the light of the above, CP is dropped with liberty to the petitioners. Notices to the respondents are discharged.

S. Raju
(Shanker Raju)
Member(J)

V.K. Majotra
(V.K. Majotra)
Vice-Chairman(A)
13.12.04

/vv/