

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/20/1369/2013

Dated: 22/10/2019

Between

Shaik Imam Sahab,
S/o. John Ahmad,
Aged about 41 years,
Working as Part Time Contingent Chowkidar,
Vinukonda Sub Office 522 647
Narsaraopet Division.

... Applicant

And

1. Union of India rep. by its
Secretary to Govt. of India,
Ministry of Communications & IT,
Dept. of Posts ó India,
Dak Bhavan, Sansad Marg,
New Delhi ó 110 001.
2. The Chief Postmaster General,
A.P. Circle, `Dak Sadanó
Abids, Hyderabad ó 500 001.
3. The Postmaster General,
Vijayawada Region,
Vijayawada ó 520 003.
4. The Superintendent of Post Offices,
Narsaraopet Division,
Narsaraopet ó 522 601.

... Respondents

Counsel for the Applicant : Mr. M. Venkanna

Counsel for the Respondents : Mr. P. Krishna, Addl. CGSC

CORAM :

***Hon'ble Ms. Manjula Das, Member (Judl.)
Hon'ble Mr. B.V. Sudhakar, Member (Admn.)***

ORAL ORDER
{Per Hon'ble Ms. Manjula Das, Member (Judl.)}

The applicant has filed the present O.A. seeking to quash and set aside the impugned Memo dated 5.8.2013 whereby the 4th respondent insisted that the applicant should have been sponsored by the Employment Exchange for consideration to the post of Multi Tasking Staff which is contrary to the Recruitment Rules, 2010 and to direct the respondents to consider the applicant for absorption to MTS vacancy of 2011.

2. The brief facts of the case are that the applicant was appointed as Part Time Contingent Chowkidar, Vinukonda LSG SO on monthly wages of Rs.858/- w.e.f. 18.2.1992 vide appointment letter dated 18.12.1992. He made several representations to the respondents requesting for consideration of his absorption as Group 'DØ in terms of the recruitment rules meant for Multi Tasking Staff (MTS) whereby 25% quota was earmarked for the Part Time Casual Labourers but could not get any reply.

3. The applicant submitted that he belongs to minority Muslim Community with 41 years of age and is well within the upper age limit of 50 years and, therefore, he has prayed that he may be considered for promotion to the post of MTS as per the Recruitment Rules dated 12.12.2010, which were duly notified by the 1st respondent vide Memo dated 28.01.2011.

4. Learned counsel for the applicant submitted that the case of the applicant is covered under Para (e) of the said revised Recruitment Rules, which is extracted hereunder:

õ(e) Appointment of part time casual labourers engaged on or before 1.9.1993, of the recruiting Division or Unity on the basis of selection-cum-seniority failing which by..õ

5. The respondents have filed a reply statement opposing the O.A. They stated that the applicant was appointed as Part time Contingent Chowkidar, Vinukonda LSG SO w.e.f. 18.2.1992 vide 4th respondent's Memo dated 18.12.1992. In the said order it was specifically mentioned that the said appointment is on contingent basis. The total number of working hours of the applicant are 5 hours per day. However, he has to work 1 ½ times the actual work hours being Chowkidar, as per the rules/ instructions on the subject. Thus, the appointment of the applicant itself was on hourly basis and is likely to be terminated at any time without assigning any reason. It is also submitted that the applicant was not sponsored through Employment Exchange and he was not appointed as a full time casual labourer. Hence, his case cannot be considered for absorption/ selection to MTS cadre.

6. Heard Mr. M. Venkanna, learned counsel for the applicant and Sri P. Krishna, learned counsel for the respondents.

7. Recently, the respondent department had issued revised Recruitment Rules for MTS. The applicant is apparently covered *prima facie* under Para (e) of the said rules. We are of the opinion that the case of the applicant

can be considered by the respondents for recruitment as Multi Tasking Staff as per the extant policy.

8. The O.A. is accordingly disposed of directing the respondents to consider the case of the applicant in accordance with the extant policy. This order shall not be construed as conferring any status temporary or otherwise on the applicant. The respondents shall complete the process within a period of three months from the date of receipt of a certified copy of this order.

9. There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)
pv

(MANJULA DAS)
MEMBER (JUDL.)