

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

O.A.210/00722/2017

Date of decision : November 13th, 2019.

Coram: Dr. Bhagwan Sahai, Member (Administrative)
R.N. Singh, Member (Judicial).

Shri Karna Gangadhar Pawar
S/o Late Gangadhar Bapu Pawar
Age-52 years, Occ. Part Time Waterman
O/o Sub Record Officer,
RSM, "L" Division,
Manmad residing at 250/251,
IUDP Near Bhavani Chowk,
Atpost-Manmad,
Taluka-Nandgaon, Dist-Nasik.

.. Applicant.

(By Advocate Shri R. B. Kadam).

Versus

1. The Union of India- rep. By the
Director General of Posts,
Dak Bhavan, Parliament
Street, New Delhi-110001.
2. The Chief Postmaster General
Maharashtra Circle,
Mumbai-400 001.
3. The Postmaster General,
Aurangabad Region,
Aurangabad-431002.
4. The Senior Superintendent,
Railway Mail Service,
L Division, Bhusawal 425 201.
5. The Sub Record Officer,
Railway Mail Service,
L Division, Manmad 423 104.

.. Respondents.

(By Advocate Shri V. S. Masurkar).

O R D E R (O R A L)Per : R. N. Singh, Member (Judicial)**Present.**

1. Shri R. B. Kadam, learned counsel for the applicant.

2. Shri V. S. Masurkar, learned counsel for the respondents.

3. The applicant has filed the present OA under Section 19 of the Administrative Tribunals Act 1985 challenging the order dated 01.01.2013 (Annexure A-1) vide which the applicants services as a part time employee has been terminated w.e.f. 31.12.2012.

4. The learned counsel for the applicant submits that the applicant was sponsored by Employment Exchange for the post of Watchman/Chowkidar and on being found eligible and suitable by the respondents he was appointed as a part time water-man for three hours by the respondent no.5 w.e.f. 01.07.1996 and subsequently w.e.f.04.01.1997 the working hours of the applicant was advanced to four hours from three hours. He further argues that the very basis of the impugned order dated 01.01.2013 is apparently the letter dated 31.12.2012 purportedly issued by the respondent no.1. However, the said letter dated 29.10.2010 nowhere requires other respondents to

terminate the part-time employees, more particularly the employees who have been working as part-time casual workers for 15-16 years as has been the case of the applicant.

5. He further invites our attention to the representation dated 02.01.2014 (Annexure A-9) vide which the applicant has requested the Chief Postmaster General, the respondent no.2 to redress his grievance. Till date the same has not been looked into and disposed of.

6. The learned counsel for the respondents submits that the termination of the applicant vide impugned order dated 01.01.2013 (Annexure A-1) is because the respondent no.5 has not correctly understood the letter dated 29.10.2010 issued by the respondents.

7. In response to the notice from this Tribunal the respondents have filed the reply. The learned counsel for the respondents vehemently argues that the OA is barred by limitation, delay and laches.

8. However, keeping in view the fact that whole contention on behalf of the applicant is that the impugned order dated 01.01.2013 is result of mis-understanding at the end of the respondent no.5 who has issued the impugned order and the

representation dated 02.01.2014 (Annexure A-9) preferred by the applicant against the impugned order has not been looked into and disposed of by the respondent no.2 till date, we are of the view that the OA can be disposed of with directions to the respondents to consider the claim and aforesaid representation of the applicant in accordance with relevant rules and instructions.

9. In view of the above, the OA is disposed of with directions that the competent authority under the respondents shall consider the claim of the applicant vide his aforesaid representation and pass a reasoned and a speaking order considering the relevant rules and instructions on the subject within three months from the date of receipt of certified copy of this order and communicate the same to the applicant within two weeks thereafter.

10. In view of above, pending MA also stand disposed of. No order as to cost.

(R. N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

V.

JJ
05/12/19