

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2339 of 2020

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1. Shambhu Sharan Chaudhary @ Shambhu Sharan, Son of Kaushal Kishore Chaudhary, Resident of Mohalla- Chaudhary Tola, P.O. Mahendru, P.S. Sultanganj, District- Patna.
 2. Birendra Kumar @ Birendra Yadav, Son of late Rameshwar Yadav, Resident of A.P. Road, Gaya, P.S.
 3. Sanjay Kumar, Son of late Ramprit Thakur, Resident of Mohalla- Indra Nagar, Postal Park, Road No. 2, P.S. Jakkanpur, District- Patna.
 4. Surendra Prasad Mahto, Son of Kesto Mahto, Resident of Mohalla- Sangat, Phulwarisharif, P.O. and P.S. - Phulwarisharif, District- Patna.
 5. Kishori Prasad, Son of late Chaitu Pandit, Resident of Mohalla- Sangat, Phulwarisharif, P.O. and P.S. - Phulwarisharif, District- Patna.
 6. Subodh Kumar, Son of Sarwan Lal Pandit, Resident of Mohalla- Sultanpur, Koiri Tola, Danapur Cantt, P.S.- Danapur, District- Patna.
 7. Md. Jahangir Alam, Son of late Md. Shah Alam, Resident of Imam Colony, Phulwarisharif, P.O. and P.S. - Phulwarisharif, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Department of Posts and Telecommunication, Government of India, New Delhi.
2. The Chief Post Master General, Bihar Circle, Patna.
3. The Post Master General, Bihar, Patna.
4. The Manager, Mail Motor Services Department of Posts, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bibhakar Tiwary, Advocate.
For the the U.O.I. : Mrs. Kanak Verma, C.G.C.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 17-11-2022

On 01.08.2022, the following order was passed:

Pursuant to the order dated 25.07.2022, Mr. Kishan Kumar Sharma, Chief Post Master General is present in the Court.

The respondents have filed Interlocutory Application enclosing documents (Annexure- R2/1, R2/2). It is an internal communication relating to grant of temporary status and regularization of casual labourers



Scheme. In terms of para 1 and 2, Mr. Kishan Kumar Sharma, Chief Post Master General submitted that the appellants are not entitled as they were appointed on casual basis subsequent to cut-off date notified in the communication dated 12.04.1991.

At this juncture, we posed a question as to whether there is any revised scheme for which it is submitted that in the year 1995, Postal Department have evolved for grant of temporary status/ regularization of a Casual Labourer Scheme. If it is so, material information is not forthcoming as to whether the appellants were working on casual basis as on the revised scheme notified in the year 1993 and given effect in the year 1995 or not?

If the appellants were working as on the date of revised scheme, further question would be whether there was any consideration of the appellants' grievances to bring them on temporary status or regularization with reference to their appointment as casual labourers read with the criteria laid down in the revised scheme or not? Therefore, the concerned respondent is hereby directed to furnish necessary documents if it is already analyzed and decision has been taken that appellants 1 to 7 are not entitled to be brought on temporary status/ regularization with reference to their initial appointment to casual labourers/casual worker. If such a decision is not taken in that event the competent authority is hereby directed to analyze the service particulars of each of the appellants read with the revised Scheme relating to grant of temporary status and regularization and pass speaking order and place it on record before the next date of hearing, failing which respondents are liable to pay cost of Rs. 25,000/- in the Patna High Court Legal Services Committee.

Re-list this matter on 12.09.2022, as a last chance.

Personal appearance of the Chief Post Master General stands dispensed until further orders.

Pursuant to the same, respondents have filed a



supplementary counter affidavit along with the documents annexing speaking order dated 09.09.2022. Para 4 of the aforesaid order reads as under:

“4. Govt. of India, Dept. of Posts vide letter No. 45-95/87-SPB. I, dated 12.04.1991 evolved “Casual Labourers (Grant of Temporary Status and Regularization) Scheme. A Xerox copy of the same is enclosed for reference. According to this scheme ‘Temporary Status’ would be conferred on the casual labourers in employment as on 29-11-1989 and who continue to be currently employed and have rendered continuous service of at least one year; during the year they must have been engaged for a period of 240 days (206 days in the case of offices observing five days week).

Further, vide G.I. Dept. of Posts, Letter No. 66-52/92-SPB. I, dated the 1st November, 1995 as amended by Letter, dated the 8th November, 1995, it was decided by the Department of Posts that full-time casual labourers recruited after 29-11-1989 and upto 01.09.1993, may also be considered for the grant of benefits under the scheme. A Xerox copy of the same is enclosed for reference. According to this provision, Full-Time Casual Labourers who were in engagement after 29-11-1989 and upto 01-09-1993, were also entitled to be conferred ‘Temporary Status’.”

It is evident that the above facility of conferment of ‘Temporary Status’ was extended up to 01-09-1993 for those full-time Casual Labourers who were recruited after 29-11-1989 and upto 01-09-1993 vide G.I. Dept. of Posts, Letter No. 66-52/92-SPB. I, dated the 1st November, 1995 as amended by Letter, dated the 8th November, 1995.

In light of the aforesaid speaking order dated 09.09.2022, the petitioners have not made out a case so as to extend ‘temporary status’ followed by consequential benefits.



At this stage, learned counsel for the petitioners submitted that petitioners are entitled to minimum wages with reference to date of their appointment. The same has not been extended.

Perusal of the papers, it appears that there is no relief sought by the petitioners in respect of payment of minimum wages. In this regard, the petitioners are at liberty to file a detailed representation as to how petitioners are entitled to minimum wages. If such a representation is submitted, the concerned authority is hereby directed to extend the minimum wages if it is not extended. If the petitioners are not eligible, in that event, necessary speaking order shall be passed and communicated to the petitioners. The above exercise shall be completed within a period of four months from the date of receipt of this order.

With the above observation, the present petition stands disposed of.

(P. B. Bajanthri, J)

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	30.11.2022
Transmission Date	N.A.

