

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12532 of 2024

1. The Union of India through the Secretary, Department of Posts, Government of India, Sansad Marg, Dak Bhawan, New Delhi- 110001.
2. The Chief Post Master General, Bihar Circle, Harding Rd, Veerchand Patel Road Area, Patna, Bihar, 800001.
3. The Post Master General, Northern Region, Muzaffarpur - 842002.
4. The Post Master of Accounts (Postal) Bihar, GPO Campus, Patna - 800001.
5. The Senior Superintendent of Post Offices, Saran Division, Chapra- 841301.
6. The Superintendent of Post Offices, Saran Division, Chapra- 841301.

... .. Petitioner/s

Versus

Bhuvneshwar Pandey @ Bhuneshwar Pandey, S/o Late Kailash Pandey, at present Retd. Night Guard, Sarhwara SO, Saran at Chapra, R/o Village-Hankarpur, Sarhwara, District – Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, CGC
For the Respondent/s	:	Ms. Alka Panday, Advocate
		Mr. Ayush Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

Date : 23-09-2025

The present application has been preferred by the petitioners under Article 226 of the Constitution of India against the order dated 11.05.2023 passed by the Central Administrative Tribunal, Patna Bench, Patna in OA No. 554 of 2022 whereby the learned Tribunal has allowed the OA filed by the respondent herein for grant of pension and pensionary benefits.

2. The brief facts giving rise to the present writ application is that on 05.04.1983 the respondent was engaged as casual labour in the Postal Department at Saran Division and



was granted temporary status w.e.f. 29.11.1989, vide memo dated 28.11.1991. After completion of three years in temporary status, vide memo dated 12.05.1993 he was ordered to be treated at par with Temporary Group-D employee w.e.f. 01.12.1992. The Government of India (Ministry of Communication) took a policy decision vide notification dated 23.01.2002 that 25% of sanctioned vacancy of Group D cadre will be filled from Temporary Status Casual Labour on seniority basis and a seniority list of Temporary Status Casual Labour of Saran Division was accordingly prepared. The temporary status casual labourers were to be regularised on the recommendation of the Departmental Promotion Committee (DPC) against 25% of approved vacancy of Group D cadre as per the prepared seniority list. On the basis of the seniority list the DPC had regularised some of the temporary workers, however the respondent herein was never regularised. On 31.01.2010, the respondent superannuated on attaining the age of 60 years without regularisation of his services, and did not receive any pension or retiral benefits.

3. The learned Central Administrative Tribunal on the basis of the materials available on record and considering the facts and circumstances of the case, allowed the OA filed by the



respondent and held that denial of pension and all pensionary benefits to the respondent only for the reason of non-regularisation is not justifiable and directed the authorities to pay the respondent pension and all other pensionary and retiral benefits as per pay-scale, basic pay drawn preceding superannuation and calculating the qualifying service as per Rules / norms. The learned tribunal relied on the *G.I. Dept. of Posts, Lr No.66-9/91-SPB, I, dated the 30th November, 1992*, where the benefits which a casual labourer is entitled to on completion of three years of service is stated, which included the pension and other retirement benefits.

4. The learned counsel for the petitioners submitted that since the respondent herein had retired before regularisation of his service, he was not entitled for retiral benefits except CGEGIS as per the rules. And the said CGEGIS amount has already been sanctioned and paid to him along with his GPF contribution with admissible interest.

5. The respondent was working in the Department of Posts continuously since the year 1983, and was granted temporary status by the department in the year 1991 with effect from the year 1989. After the respondent was given temporary status, he was to be regularised and given benefits as prescribed



in the *G.I. Dept. of Posts, Lr No.66-9/91-SPB, I, dated the 30th November, 1992*. The relevant clause of the said letter is reproduced as under:

“(iii) ***Benefits to casual labourers on completion of three years' service in temporary status*** – *In their judgment, dated 29-11-1989, the Hon'ble Supreme Court have held that after rendering three years of continuous service with temporary status, the casual labourers shall be treated at par with temporary Group 'D' employees of the Department of Posts and would thereby be entitled to such benefits as are admissible to Group 'D' employees on regular basis.*

2. In compliance with the above-said directive of the Hon'ble Supreme Court, it has been decided that the casual labourers of this department conferred with temporary status as per the scheme circulated in the above-said circular No. 45-95/87-SPB. I, dated 12-4-1991, be treated at par with temporary Group 'D' employees with effect from the date they complete three years of service in the newly acquired temporary status as per the above-said scheme. From that date, they will be entitled to benefits admissible to temporary Group 'D' employees such as-

(1) All kinds of leave admissible to temporary employees;

(2) Holidays as admissible to regular employees;

(3) Counting of service for the purpose of pension and terminal benefits as in the case of temporary employees appointed on regular basis for those temporary employees who are given temporary status and who



complete three years of service in that status while granting them pension and retirement benefits after their regularization;

(4) Central Government Employees' Insurance Scheme;

(5) General Provident Fund;

(6) Medical Aid;

(7) Leave Travel Concession;

(8) All advances admissible to temporary Group 'D' employees;

(9) Bonus.

3. Further action may be taken accordingly and proper service record of such employees may also be maintained.

[G.1. Dept. of Posts, Lr No.66-9-91-SPB, I, dated the 30th November, 1992]"

6. The letter referred above dated 30.11.1992, clearly mentions that in compliance of the directives of Hon'ble Supreme Court, the Department took a conscious decision that casual labourers conferred with temporary status to be treated at par with the temporary would be employees w.e.f. the date they complete 3 years of service in the temporary status and further to be entitled for all such benefits admissible to the temporary Group-D employees. The said clause of the above referred letter further mentions about the nature of service benefits to be extended to such employees, which includes pension and



retirement benefits besides leave, insurance scheme, GPF, etc.

7. It could be further relevant to clarify, the said letter no where says that order of regularisation is a condition precedent for extending such benefits, including pensionary and retirement benefits. By virtue of clause 2 of the said letter, such casual labourers conferred with temporary status necessarily acquires status of temporary Group-D employees after completion of qualifying period of service, *i.e.*, three years and to be entitled for all such service benefits admissible to temporary Group D employees. Therefore, once they acquire status at par with temporary Group-D employees, by virtue of policy decision of the Department itself, the formal order of regularisation in respect to such employees, if not issued cannot create any such impediment, in respect of entitlement of getting pensionary and other retirement benefits.

8. In terms of the above referred letter, entitlement of pension and other retirement benefits is to be guided by acquiring the temporary status, and completion of three years of service, therefore, the formal order of regularisation does not have any element of decision to be taken by the administrative department which might have any bearing upon the entitlement of such employees like the respondent.



9. In the given set of facts, if order of regularisation has not been issued in respect of the respondent, it is nothing but inaction on the part of petitioners, for which the respondent should not be allowed to suffer. At no point of time either before the learned Central Administrative Tribunal or this court, the petitioners have disputed the fact that the respondent was initially engaged as casual labourer, and was subsequently granted temporary status of Grade D employee, and had completed three years of service in the newly acquired temporary status as per the scheme of the Department.

10. The respondent has been serving in the department since the year 1983, was given temporary status w.e.f. 1989, and was treated on par with Group D employees, from the year 1992 *vide* memo dated 12.05.1993. For almost twenty years, no decision was taken on his regularisation by the concerned authorities. Clearly, the respondent continued to give his uninterrupted services to the department, however, the department failed to take a decision on his regularisation. The respondent ought to have been regularised as per the *G.I. Dept. of Posts, Lr No.66-9/91-SPB, I, dated the 30th November, 1992*. As such, the regularisation was not done at fault of the Department of Posts, and the respondent could not be asked to



face consequences of the inaction of the department.

11. Therefore, after almost 27 years of uninterrupted service, which includes almost 20 years on temporary status, the respondent is entitled for pensionary and retiral benefits, and the learned tribunal had rightly allowed the application of the respondents.

12. In light of the facts and materials available on record, and the discussions made above, we find that the order passed by the learned Tribunal does not suffer from any illegality or perversity.

13. The impugned order of the Central Administrative Tribunal dated 08.02.2024 is affirmed.

14. Accordingly, the writ application stands dismissed.

15. Interlocutory application, if any, shall also stand disposed of.

(Sudhir Singh, J.)

(Rajesh Kumar Verma, J.)

Rajesh/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	27.09.2025
Transmission Date	N.A.

