

Central Administrative Tribunal
Principal Bench

OA No. 1548/2001

(M)

New Delhi, this the 4th day of September, 2002.

Hon'ble Shri M.P.Singh, Member (A)
Hon'ble Shri Shanker Raju, Member (J)

Hemraj Singh
S/o Lakhan Singh
Village - Bhahai (Barari)
Distt.-Mathura (UP).

(Shri D.P.Sharma, Advocate)

.... Applicant.

Versus

1. Union of India
through Secretary
Ministry of Communication
Department of Posts
New Delhi.
2. The Postmaster General
Agra Region Agra.
3. The Senior Supdt. Post Offices
Mathura Division
Mathura.
4. The Sub Divisional Inspector
Post Office, East Sub Division
Mathura.

(Shri N.S.Mehta, Advocate) Respondents

ORDER (Oral)

By Shri Shanker Raju, Member (J)

Heard the parties.

2. Applicant who was an ED substitute having worked intermittently from 17.6.1995 to 15.4.2001 seeks regularisation on account of his having rendered more than 180 days in service as ED Agent. Shri D.P.Sharma, appearing for the applicant, has sought regular appointment of the applicant on any vacant post of ED agent.
3. On the other hand respondents in their reply denied the contentions and by referring to the decision of Full Bench of 5 Judges in DM Nagesh and Ors. Vs. The Assistant

Supdt. of Post Office, Bangalore and Others decided on 19/20.04.2000, it is stated that in view of the above said decision it is not possible for the respondents to regularise the ED Agent as the Department does not recognise ED Agent in any manner. It is also stated that High Court has upheld the decision of the Full Bench in Writ Petition Nos. 21331-333/2000, decided on 18.8.2001.

4. Having regard to the rival contentions of the parties and in view of the decision of Full Bench upheld by the High Court Supra and as the case of applicant, in all fours, covered by the aforesaid decision, the OA is liable to be dismissed.

5. However, Shri Sharma stated that the decision of the High Court is challenged in SLP which is pending consideration of the Apex Court.

6. In this view of the matter OA is bereft of merit and is accordingly dismissed. However, this will not preclude the applicant, if the SLP is decided and the decision of the High Court is reversed by the Apex Court, to take appropriate proceedings in accordance with law. No costs.

S. Raju

(Shanker Raju)
Member(J)

M.P.Singh
(M.P.Singh)
Member(A)

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