

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 1280/99

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New Delhi this the 17th day of February, 2000

Hon'ble Smt.Lakshmi Swaminathan, Member (J)

Hari Om
S/O Sh.Mool Chand Sharma,
R/O RZ-59, Raghu Nagar,
Dabri Mod, New Delhi.

.. Applicant

(By Advocate Shri Yogesh Sharma)

Versus

1. Union of India through
the Director,
Department of Posts, Dak Tar
Bhawan, New Delhi.
2. Chief Post Master General,
Delhi Circle, New Delhi.
3. The Sr.Suptd.of Post Office,
Delhi North Division, Civil Lines,
Delhi.
4. The Asstt.Suptd.of Post Office,
Delhi North IIIrd Division,
Delhi-85.

..Respondents

(By Advocate Sh.D.S.Jagotra)

O R D E R (ORAL)

(Hon'ble Smt.Lakshmi Swaminathan, Member (J))

The applicant is aggrieved by the action of the respondents in terminating his services as EDA(packer) w.e.f. 1.5.99 in the Office of Respondent 4.

2. The brief facts of the case are that the applicant was admittedly appointed as EDA(Packer) in Sultanpuri Post Office, Delhi vice Sh.Pramod Singh on 1.8.96 by letter issued by the SPM, Sultanpuri, Post Office (Ann.A.3). The applicant continued in that capacity in the same Post Office for almost 3 years i.e. 2 years 9 months upto 30.4.99 and he was disengaged from the service when regular appointee took over that post. Shri Yogesh Sharma, learned counsel for the applicant has submitted that although the period might be less than 3 years, it is also relevant to keep in view that in the last year i.e. 1998, the applicant had completed 240 days of service. He relies on the judgement of the Tribunal in Md.Jalal Baig and another Vs.UOI & Ors (OA 94/94)

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decided on 5.12.1994(Ann.A-7). He also relies on Paragraph 12 of the service rule for ED staff as given in DGP&T letter dated 18.5.79(Ann.A.8) in particular ~~to~~ Paragraph 2. Learned counsel has submitted that as the applicant was fully aware that the applicant had discharged his duties satisfactorily as EDA(Packer) for almost 3 years, his case should have also been considered either for alternative appointment or for regularisation in terms of the relevant rules and instructions, but ~~this has not~~ ^{been} ~~done~~.

3. Another relevant fact is that the respondents have issued an advertisement in November, 1998 calling for suitable candidates from the Employment Exchange. ^{The} Last date for submission of the application against this advertisement was 12.11.98. Admittedly the applicant had applied for the post of EDA on 18.11.1998 and for regularisation, which has been rejected by the respondents as the application was delayed.

4. Learned counsel for the applicant has submitted that the respondents ought to have given some weightage to the past service rendered by the applicant, in comparison to fresh candidates while selecting another EDA, which has not been done.

5. I have seen the reply filed by the respondents and heard Sh.D.S.Jagotra, learned counsel for the respondents.

6. Paragraph 2 of the DGP&T letter dated 18.5.79 reads as follows:-

" Efforts should be made to give alternative employment to ED Agents who are appointed provisionally and subsequently discharged from service due to administrative reasons, if at the time of discharge they had put in not less than three years service. In such cases their names should be included in the waiting list of ED Agents discharged from service, prescribed in D.G.P&T letter No.43-4/77-Pen., dated 23.2.79."

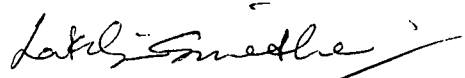
7. In the present case, admittedly the applicant has rendered satisfactory service as EDA(Packer) from 1.8.96 to 30.4.99. Although the period of service may be slightly less than 3 years service as mentioned in Paragraph 2 of the DGP&T letter dated 18.5.79, nevertheless there is some force in the submissions made by Shri Yogesh Sharma, learned counsel that atleast for future vacancies the respondents should consider the case of the applicant favourably against the post

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of EDA or any other suitable post and keep the name of the applicant in the waiting list. He has also submitted that in the judgement of the Tribunal (Cuttack Bench) (supra), the Tribunal had similarly considered the case of an EDA and had also observed that his service of 240 days in consecutive years should be considered for the purposes of regularisation in that post.

8. In the facts and circumstances of the case, the OA succeeds and is allowed with the following directions:-

The respondents shall consider the case of the applicant in the light of what has been stated above in accordance with the rules and regulations and also consider him against any future vacancies that may arise, keeping in view his past service as EDA (Packer) for nearly 3 years. No order as to costs.



(Smt. Lakshmi Swaminathan)
Member (J)

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