

Central Administrative Tribunal
Principal Bench

O.A.No.2191/98

Hon'ble Shri R.K.Ahooja, Member(A)

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New Delhi, this the 15th day of September, 1999

Purshottam Pandey
s/o Shri Bhim Sen Pandey
Casual Extra Departmental Agent
r/o C/o Shri Ramesh Chandra Sharma
3/36, J.Ext. Laxmi Narain Temple
Street No.7, Laxminagar.
Delhi - 92. ... Applicant

(By Shri D.P.Sharma, Advocate)

Vs.

1. Union of India through
The Secretary
Ministry of Communication
(Dept. of Posts)
New Delhi.
2. The Post Master General
Agra Region
Pratappura
Agra.
3. The Sr. Supdt. Post Offices
Mathura Division
Civil Lines
Mathura.
4. The Sub-Divisional Inspector Post Offices
Mathura East Sub Division
Civil Lines
Mathura. ... Respondents

(By Shri N.S.Mehta, Advocate)

O R D E R (Oral)

The applicant claims that he has worked for the periods as detailed in Annexure-A1 as substitute Extra Departmental Delivery Agent (EDDA)/Postman with the respondents' Department. He states that he has completed two years eight months and thirteen days and on that basis seeks a direction that he should be appointed on a regular basis as EDDA in any sub division of Mathura Division.

Ans

(1)

2. The respondents in their reply have denied that the applicant has any claim for regular appointment. They also allege that the performance of the applicant as substitute Extra Departmental Delivery Agent/Postman has not been satisfactory and he was in two instances responsible for making payments of Money Orders, to the wrong persons. A preliminary objection has also been raised that the applicant is not a resident of Delhi and therefore the OA is not maintainable before the Principle Bench.

3. I have heard the counsel. The applicant relies on the letter No.18-34/92-ED & Trg. issued by the D.G., Posts on 25.11.1993 regarding his claim for regular appointment on basis of continuous service of more than 180 days rendered as substitute. In para 3 of the said letter it has been mentioned as under:

"..... While exercising the powers now delegated to the Divisional Heads, they will ensure that such officiating arrangements of ED Agents in Group 'D'/Postman cadres for periods exceeding 180 days are allowed to continue in exceptional circumstances only and not as a matter of rule. This is essential as during the such long uninterrupted officiating arrangements, the regular incumbents of the posts of ED Agents are required to provide their substitutes and if such arrangement is allowed to continue for period exceeding 180 days as a matter or rule, this will legitimize the claims of all the ED substitutes for regularisation of their services as ED Agents thereby creating lot of administrative problems. It has to be ensured that the powers now delegated are exercised judiciously with full sense of responsibility."

4. I find from the reply of the respondents that the applicant worked for more than 180 days continuously only between the period 17.2.1995 to 24.10.1995 and 1.11.1995 to 31.10.1996. The applicant cannot claim on the basis of this service for his regular appointment as he has approached this Tribunal only on 10.11.1998. Further periods rendered by him

(b)

after 1.11.1996 are less than 180 days duration. The learned counsel for the respondents also rightly pointed out that the applicant is at best entitled to consideration for regular appointment. As pointed out by the respondents the applicant was found responsible for making payments of Money Orders, in two cases, to wrong persons. Whatever the explanation given by the applicant for making the mistakes, the work of the applicant was not to the satisfaction of the respondents. Therefore if the respondents do not consider that he is suitable for regular appointment, their decision cannot be faulted.

5. The OA is accordingly dismissed both on the ground that the claim of the applicant in regard to his work in 1995 and 1996 suffers from latches and also on merits in view of the fact that his work was not found satisfactory.

6. The OA is disposed of as above. No order as to costs.

R.K.A.
(R.K.AHOOJA)
MEMBER(A)

/RAO/