

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
OA 662/1995

(3)

New Delhi, this 9th May, 1995.

Hon'ble Shri A.V. Haridasan, Vice-Chairman(J)
Hon'ble Shri P.T.Thiruvengadam, Member(A)

Shri Lila Ram
s/o Pat Ram
Nayagaon Dt., Rewari, Haryana .. Applicant
(By Shri V.P. Sharma, Advocate)

versus

Union of India, through

1. The Director General
Dept. of Posts, Dak Bhawan
New Delhi
2. The Chief Post Master General
Haryana, Ambala-133001
3. Senior Supdt. of Post Offices
Gurgaon Division, Gurgaon-122 001
4. Shri Ram Avtar
s/o Shri Lekh Ram, Dt. Rewari,
Haryana .. Respondents

ORDER(oral)

Shri A.V. Haridasan

The applicant, who had been working as Extra Departmental Agent (EDA) in Bikaner since 11.5.93 till 22.11.94, is aggrieved by the action of the respondents No.1 to 3 that they have, without considering his case for regular appointment to the post of EDA, selected some other person (Respondent No.4). The applicant was neither sponsored by the Employment Exchange nor ~~had he~~ made an application to consider his candidature for the said post. The case of the applicant is that as he was working on the post, it was incumbent on the respondents to consider him before making regular appointment by another candidate. In this regard, reliance is placed on the instructions contained in letter dated 7.11.78 issued by the PMG, Kerala Circle, which reads as under:

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"2. It has been decided by the Postmaster General that working ED agents should be given priority over all other categories except retrenched ED Agents for selection of various ED posts if they satisfy all the conditions prescribed in the Office letter No. STA/1/28-Rdg. dated 24.10.76, as amended from time to time and if the appointment in the new post is in public interest. The concession is, however, applicable to the following categories of ED Agents only."

2. The applicant has therefore prayed that the appointment of R-4 may be quashed and he may be appointed as EDDA at Bikaner.

3. We have perused the application and the connected material placed on record and heard the learned counsel for the applicant.

4. As stated above, the applicant was neither sponsored by the Employment Exchange nor had he made any application for the post of EDDA. Shri V.P. Sharma argued that since the applicant had been working on the post for a long period, even without his applying, or being sponsored, the respondents should have considered his case for regular appointment before considering another person for appointment to the post. He invited our attention to the instructions contained in the letter referred to above. He argued that the applicant was a working EDDA and is entitled to the benefit of the instructions. We are unable to accept this argument. On a careful reading of the instructions extracted above, it would be evident that what is meant by that letter of PMG is that working ED agents should be given priority over all other categories excepting retrenched

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ED agents for selection to various ED posts. Working EDA means those who are working as regular EDAs fulfilling the eligibility criteria and not those who are working as substitutes. Admittedly, the applicant was working as a substitute. Therefore, the applicant can not claim the benefit of regularisation as he was only a substitute and he was neither sponsored by the Employment Exchange nor did he make any application to consider this case. Therefore, the action of the respondents in selecting and appointing the respondent No.4 who was sponsored by the Employment Exchange and found to be meritorious can not be faulted.

5. In the result, we do not find it necessary to admit the application. Therefore the application is rejected under Section 19(3) of the Administrative Tribunals Act without any order as to costs.

P. T. Thiruvengadam

(P.T.Thiruvengadam)

Member(A)

9.5.1995

(A.V.Haridasan)

Vice-Chairman(J)

9.5.1995

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