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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2600/2000

Thursday, this the 6th day of September, 2001

Hon'ble Shri Shanker Raju, Member (Jud1)

Bhudeo Singh, S/O Shri Durg Singh
Vill. and Post Karahra Via Bichpuri, Agra ..Applicant
(By Advocate: Shri D.N. Sharma)

Versus

1. Union of India
through Secretary
Ministry of Communication,
Department of Posts, New Delhi
2. The Postmaster General
Agra Region, Agra
3. The Sr. Supdt. Postoffices
Agra Division, Agra
4. The Sub Divisional Inspector Postoffices
East Sub Division, Agra. ..Respondents

(By Advocate: Shri S.M.Arif)

O R D E R (ORAL)

Heard the learned counsel for both the parties.

2. The applicant, who has been engaged as an Extra Departmental Delivery Agent (EDDA) in Postal Department, has claimed to have worked for 467 days. The applicant seeks his regularisation as he had rendered more than 180 days in one spell in view of the instructions contained in Rule 5 of Extra Departmental (Conduct & Service) Rules, 1964. The applicant further places reliance on the decision of the Apex Court in the case of Surendra Singh & Another Vs. Engineer-in-Chief, CPWD (Writ Petition (Civil) Nos.59-60 & 563-70 of 1983), decided on 17.1.1986 to contend that temporary persons in employment for more than six months should be regularised. The applicant further contends that he belongs to an OBC

(2)

category and is eligible in all respects for the post for regularisation. The learned counsel for the applicant has brought to my notice an order dated 29.12.2000 (Annexure RA-1) addressed to CPMG AP, Circle, wherein there is a provision for absorption of such ED Agents as regular incumbents. The learned counsel for the applicant has further stated that he has been engaged as an outsider on the post of EDDA.

3. Strongly rebutting the contentions of the applicant, the learned counsel for the respondents stated that in view of the judgement delivered by the Full Bench of this Tribunal in the case of D.M. Nagesh & Ors. Vs. The Assistant Superintendent of Post Offices & Ors. (OA No. 100/1999 with other connected OAs), decided on 19/20th April, 2000, there cannot be any weightage to an applicant for ED Agent on the basis of the past experience and further, it has been held that even after completion of 240 days, he is not entitled for regularisation. As regards the letter of CPMG AP, Circle, firstly, it is contended that the same pertains to AP Circle and was only a one time measure and it cannot be treated as a Scheme to be applied to the applicant or the same is not ^{in force} at present. The learned counsel for the respondents has further stated that in case there is any vacancy, the applicant is free to apply and would be considered in accordance with rules and instructions.

4. In this view of the matter and having regard to the contentions of both the parties, the present ^{OA is}

(3)

liable to be dismissed on the ground that the applicant has no right to be regularised on the post of EDDA after completion of 240 days or there cannot be any question of giving weightage on account of his past service for further future service prospects. In this view, the decision of the Full Bench referred to by the learned counsel in D.M. Nagesh's case (supra) will hold the field and will have direct application to the facts and circumstances of this case. As regards, the letter of CPMG AP, Circle is concerned, the same would also not apply as the same is not an on going scheme but operated only as a one time measure and as such, the applicant has no claim for absorption under the said letter. However, the applicant, in case he is fully eligible as per the criteria under the rules and instructions and in case of availability of vacancies, he is to be considered by the respondents.

5. With these, the OA is dismissed without any order as to costs.

S. Raju

(Shanker Raju
Member (J))

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