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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 2673 of 2000

New Delhi, this the 7th day of August, 2001

**HON'BLE MR. KULDIP SINGH, MEMBER (JUDL)**

Smt. Kamlesh w/o Shri Ashok Kumar  
last employed as Part Time Water Woman  
in Shakur Basti R.S post office Delhi-110034,  
R/O Delhi-110034, address for service of notices  
C/O Shri Sant Lal Advocate  
C-21(B) New Multan Nagar Delhi-110056.

-APPLICANT

(By Advocate: Shri Sant Lal)

Versus

1. The Union of India, through the Secretary,  
Ministry of Communications, Deptt, of Posts,  
Dak Bhawan, New Delhi-110001
2. The Sr. Supdt. of Post Offices,  
Delhi North Division, Civil Lines,  
Delhi-110054
3. The Sub Postmaster (H.S.G-I)  
Shakur Basti R.S Post office, Delhi-110034.
4. The Asstt. Supdt. of Post Offices, 3rd Sub Dn.  
rohini P.O. Delhi -110085.
5. Sh. Surjit Singh, Part Time Waterman,  
Shakur Basti R.S.P.O  
Delhi -110034.

-RESPONDENTS

(By Advocate: Shri P.P.Ralhan proxy counsel of Shri  
J.B.Mudgil)

O R D E R (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (Judl)

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 against the alleged arbitrary and illegal termination of his services as a Part Time Water Woman (in short PTWW) verbally and without any written order.

2. The facts as alleged by the applicant are that the applicant was initially engaged as a PTWW Farash w.e.f. 3rd September, 1997 by respondent No.3. She continued in that capacity and thereafter

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a post of PTWW had fallen vacant in the Department and they notified to the employment exchange vide letter dated 26th May, 1998. In response to that letter, employment exchange sponsored the name of the applicant and Department has appointed the applicant vide order (Annexure A-1 & 2). She was allowed to work as PTWW with immediate effect by the respondent no.3 vide letter dated 26.6.98. She was also interviewed and selected as a PWTT.

3. It is further submitted that respondent no.3 had terminated her services and posted respondent no.5 in her place w.e.f.27.9.99 FN without any written order and without following the principles of natural justice. Thereafter she made a representation against her termination but no reply has been given so far. Hence this OA.

4. Respondents in their reply submitted that one Shri Surjeet Singh, respondent no.5 was working as Part Time Waterman earlier who was deployed as ED Substitute Packer at Nagloi Post Office as a short term arrangement vice Shri Vijender Singh, ED Packer, Nagloi who was unauthorisedly absent from duty. During the said period from 26.6.98, the applicant was employed as PTWW while keeping in view her past services as a Part Time Farash also. Since the appointment of the Substitute Packer was terminated by ASPO, s 3rd Sub Division on 24.9.99 and respondent no.5 Shri Surjeet Singh Substitute ED who was previously Waterman in SBRS was directed to join his

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partent post of Part Time Waterman in SBRS and accordingly the arrangement of Smt.Kamlesh who was working as PTWW was terminated.

5. I have heard the parties and gone through the records. The short question in this case is that whether the respondent no.5 who has been deployed as a part time waterman after removing the applicant could be deployed since he had earlier left his service and had joined as a Substitute ED Pkr. in Nagloi.


6. Learned counsel for the applicant submits that Substitute employees are allowed to work by the Department for specific purpose on the recommendation of regular employee. In case regular employee is not available or is sent <sup>temporarily</sup> to some other post, he can be give the name of Substitute, as such this post of Substitute under the ED rules is not under the direction of the respondents. Thus this system of employing Substitute employee is only a short term arrangement. Respondent no.5 preferred to work as Substitute employee instead of working as part time waterman under the respondents and while working as Substitute employee he was only an ED employee and was not a regular employee appointed by the Government post office, Postal Department. The respondent No.5 was very well-versed with the situation who had left services of the respondents and had preferred to join as a Substitute employee for some other employment when the applicant was appointed vide Annexure A-2. So far as the question of vacancy which was caused by Shri Surjeet Singh on

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joining as Substitute employee was also duly notified to the employment exchange. Consequent to that Smt. Kamlesh, applicant was appointed as PTWW vide Annexure A-2 and her appointment do not have any condition that She is appointed in place of Surjeet Singh and she could be removed after rejoining of Surjeet Singh.

7. Considering these conditions, I may mention here that the appointment of the applicant was against the vacancy duly notified by the Department in the employment exchange and applicant had been appointed after complying with the prescribed procedure.

8. Hence the OA is allowed and I direct the respondents to re-engage the services of the applicant as a Part Time Water Woman. Applicant shall not be paid backwages for the period she has not worked. No costs.

  
( KULDIP SINGH )  
MEMBER (JUDL)