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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.480/2000

Tuesday, this the 2nd day of January, 2001.

HON'BLE SHRI S.A.T. RIZVI, MEMBER (A)

Lalit Kumar
R/O L-I-32, Budh Vihar,
Delhi-41.

....Applicant.

(By Advocate: Shri Yogesh Sharma)

VERSUS

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

...Respondents

(By Advocate: Shri J.B.Mudgil)

O R D E R (ORAL)

Heard the learned counsel on either side.

2. The applicant in this OA was engaged as ED Packer in the respondents' establishment on 1.1.97 as a substitute and he continued in that post until his services were terminated on 21.5.99. ~~by a verbal order.~~ On the strength of past experience, the applicant has sought reliefs as under:-

"The applicant should be reinstated in service and considered for regularisation. Alternatively the respondents may include his name in the waiting list and consider him for engagement in future vacancies."

3. The learned counsel appearing for the applicant has contended that the applicant's services were

2

terminaed by a verbal order and without giving any show cause notice and further that one Smt. Girija Devi, a fresher was engaged as ED Packer thereafter. The learned counsel has relied on the order dated 5.12.994 in OA-94/94 passed by the Cuttack Bench of this Tribunal and the rules extracted at Annexure A-6. I have perused the afore-mentioned order of the Cuttack Bench which provides for regularisation of ED substitutes and casual labourers who may have worked for more than 240 days in two consecutive years. Similarly, the aforesaid rule provides that casual labourers whether full time or part time ~~who may be~~ willing to be appointed in ED vacancies might be given preference in the matter of recruitment to ED posts provided they fulfil all the conditions and have put in a minimum service of one year. The same rule further provides that for this purpose a service of 240 days in a year may be reckoned as one year's service. According to the learned counsel for the applicant, the applicant has rendered more than 240 days' service in each of the year, he remained in service as ED Packer and would thus deserve to be considered for appointment in an ED vacancy in accordance with the aforesaid rule.

4. The learned counsel appearing for the respondents places a reliance on the relevant rules for appointment in the post of EDAs. According to him, in order to fill vacancies of EDAs, names are invited from the Employment Exchanges and also through public notice. Accordingly in the present case also, when a vacancy of ED Packer arose in Sultan Puri, "B" Block, Post Office, names were called for from the Employment Exchange and simultaneously a

2

(3)

public notice was also issued. In result, 26 candidates filed their applications and were considered in accordance with the rules which provide for grant of preferential treatment to the Matriculates even though the normal requirement is 8th standard pass. Following this principle/rule, one Shri Hari Prakash who secured 52.66% marks in Matriculation Examination was selected and subsequently appointed. The learned counsel contends that the applicant in this OA had also filed his application and his candidature was duly considered but he could not be appointed and, ~~has~~ [✓] stated, ~~that~~ Shri Hari Prakash was finally selected/ appointed.

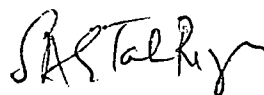
5. I have carefully considered the contentions raised by the learned counsel on either side and find nothing wrong with the procedure followed by the respondents in appointing Shri Hari Prakash as ED Packer and not appointing the applicant ^{to} in the said post. The fact remains, however, that in terms of the decision of this Tribunal in OA-94/94 (supra) and the aforesaid rule to which a reference has been made by the learned counsel for the applicant, the applicant would still deserve to be considered for appointment in ED vacancies likely to arise in future and he will also be entitled to preferential treatment in accordance with the aforesaid rule (Annexure A-6) and in conformity with the [✓] ~~the~~ ^{lower} ~~the~~ aforesaid decision of this Tribunal. This would ^{be} for the purpose of appointing the applicant ^{as a} ~~as~~ substitute in ED vacancies. However, if the applicant is [✓] ~~seen~~ ^{keen} to be appointed regularly in accordance with the rules relied upon by the respondents, he will be entitled to be considered in accordance with the rules in future also.

2

(4)

6. The OA is disposed of in the aforesaid terms.

No costs.



(S.A.T. Rizvi)
Member (A)

/sunil/