



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH, AT KOLKATA

O. A. No/350/ 5/3 of 2020

Shri Laltu Pal son of Balaram Pal
aged about 37 years, since returned
from other state as one migrant
labourer and prayed for casual
employment against available
vacancies, residing at Vill & P.O.
Hatbasantapur, Mayapur, Arambagh,
Block - Arambagh-G, Dist. Hooghly,
West Bengal- 712413.

... Applicant

-Versus-

1. Union of India, service through
the Secretary, Ministry of
Communication & Information

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Technology, Government of India,

New New Delhi - 110001.

2. The Chief Post Master General,

West Bengal Circle, Yogayog

Bhavan, Chittaranjan Avenue, Kolkata

- 700012.

3. The Sr. Superintendent of Post

Offices, Hooghly Division, Hooghly,

Pin - 712103.

... Respondents

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

Date of Order: 04.08.2020

No.O.A.350/513/2020

**Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member**

LALTU PAL

Vs.

UNION OF INDIA & OTHERS

For The Applicant(s): Mr. P.C. Das, counsel
Mr. J.R. Das, counsel
Ms. T. Maity, counsel

For The Respondent(s): Mr. S. Paul, counsel

ORDER (ORAL)

Bidisha Banerjee, Member (J):

Heard the Id. counsels and perused the records.

2. This application has been preferred to seek the following reliefs:-

"i) An order directing the respondents to allow casual appointment to the applicant herein in any of the vacant GDS posts in Hooghly Division or any other job available to the applicant herein, so that the very existence of the family of the applicant be protected in the interest of justice;

ii) An order directing the respondents to consider and dispose of the representation by the applicant in a time bound manner to offer some casual engagement to the applicant in the interest of justice;

iii) An order directing the respondents to produce entire records of the case with copy to the Ld. Advocate appearing for the applicant for conscionable justice;

iv) Any other order or orders further order/orders as to this Hon'ble Tribunal may seem fit and proper."

3. At hearing it transpires that the applicant is an educated migrant labour who has come back to his native village in West Bengal from his place of work having lost his only source of livelihood due to outbreak of Covid 19 pandemic.

The applicant has prayed for consideration of his case against a post of GDS or any other suitable post citing an extract of D.G., P&T's letter as under:-

6. Preferential Categories:

With reference to the last orders issued under Letter No. 43-191/79-Pen., dated 22-6-1979, fixing the four preferential categories according to the earlier orders issued *vide* D.G., P. & T., Letter No. 43-14/72-Pen., dated 2-3-1972, No. 43-246/77-Pen., dated 8-3-1978, to Scheduled Castes and Scheduled Tribes candidates; and No. 43-231/78-Pen., dated 17-2-1979 (regarding Ex-Army Postal Service Personnel); No. 43-312/78-Pen., dated 20-1-1979 (regarding Backward Classes and weaker sections of Society) and to the educated unemployed persons, it is clarified that the above preference should be subject to first and foremost condition that the candidate selected should have an adequate means of livelihood, which though already prescribed, seems to have been ignored for some time past especially in view of these preferential categories being introduced in the above orders.

The criterion to judge "adequate means of livelihood" should be that, in case he loses his main source of income, he should be adjudged as incurring a disqualification to continue as EDSPM/EDBPM. In other words, there must be absolute insistence on the adequate source of income of EDSPM/BPM and the allowances for his work as EDSPM/BPM must be just supplementary to his income. To ensure this condition, the candidate must be able to offer office space to serve as the agency premises for postal operations as well as public call office and as such, business premises such as shops, etc., must be preferred regardless of the various categories of preferences mentioned above.

Ld. counsel at hearing would submit that being an educated unemployed person he should get preference over others in the matter of consideration in terms of the extract *supra*. Ld. counsel would also submit that some GDS posts are lying vacant at different places in Hooghly Division and he preferred a representation dated 18.05.2020 seeking consideration of his case for appointment at least in casual capacity. Ld. counsel for the applicant would further submit that the applicant would be happy if a direction is given to the respondents to consider his representation in a time bound manner.

4. In such view of the matter, we dispose of this O.A. with a direction upon the competent authority to look into the grievance of the applicant as ventilated in his representation dated 18.05.2020/consider him against a suitable post and

issue appropriate order to enable him to eke out a livelihood required for his minimum sustenance within three months from the date of receipt of this order.

5. Accordingly the O.A. stands disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

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(Bidisha Banerjee)
Judicial Member