

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2898/2004

New Delhi, this the 9th day of August, 2005

Hon'ble Shri Shanker Raju, Judicial Member

Shri Pankaj Rajput
S/o Shri Hari Baboo Singh
Ex-GDS-Packer
R/o Village- Nagla, Baraula
Aligarh (U.P.).

...Applicant

(By Advocate Shri D.P. Sharma)

V E R S U S

Union of India through

1. Secretary
Ministry of Communication & I.T.
Department of Posts, Dak Bhawan
Sansad Marg, New Delhi.
2. The Postmaster General
Agra Region, Agra.
3. The Senior Supdt. of Post Offices
Aligarh Division, Aligarh.
4. The Sub Divisional Inspector of Post Offices
East Sub Division, Aligarh.

...Respondents

(By Advocate Shri S.M. Arif)

O R D E R (ORAL)

The applicant who has been terminated after working for three years on provisional basis, in lieu of the fact that regular incumbent was facing disciplinary proceedings. His services have been dispensed with when the original incumbent joins back. Learned counsel for the applicant refers to the DGP&T letter dated 18.5.79 and Circular dated 30.12.99 wherein it is decided that efforts should be made to give alternative employment to the ED Agents who are appointed provisionally and subsequently discharged from service due to administrative reasons. The condition precedent is that a person should have continued for three years continuously. In such cases, names of those incumbents should be brought in the waiting list of ED Agents discharged from service.

2. Learned counsel for the respondents vehemently opposed the contentions and stated that there is no question of regularization of a person appointed on provisional basis and had relied upon the decision of the Delhi High Court in C.P. No.8615/2004 and C.P. No.9282/2004 filed by Ms. Kamla Devi and Ms. Kamlesh respectively.

3. On consideration of the rival contentions, I am of the considered view that the innocuous decision in clause II of Circular dated 30.12.99 is obligatory to be followed by the respondents and in the present case, as the applicant have completed three years continuous service though on provisional basis and was discharged on administrative grounds, his name should have been included in the waiting list of the E.D. Agents and efforts should be made to accord alternative employment to him.

4. In this view of the matter, OA stands disposed of with directions to the respondents to follow the procedure laid down in Circular dated 30.12.99 in the case of the applicant.

S. Raju

(Shanker Raju)
Judicial Member

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