

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 03rd day of October 2001
Hon'ble Mr. S. Dayal, Administrative Member
Hon'ble Mr. S.K.I. Naqvi, Judicial Member
original Application no. 1156 of 2001.

Suresh Chandra Sharma,
S/o Sri Babu Lal,
R/o village and Post Badauli Fateh Khan,
District Aligarh.

... Applicant

C/A Shri A. Tripathi

Versus

1. Union of India through its Secretary,
Department of Post, Ministry of Communication,
Dak Bhawan, Sansad Marg,
NEW DELHI.
2. Senior Superintendent of Post Offices,
Aligarh Division,
ALIGARH.
3. Sub Divisional Inspector of Post Offices,
East Sub Division,
ALIGARH.

... Respondents

C/Rs Sri RC Joshi

ORDER

Hon'ble Mr. S. Dayal, AM

The applicant has sought setting aside
of orders dated 4.9.2001 and 7.9.2001. He also seeks
direction to the respondents to allow the applicant
to work on the post of Extra Departmental Sub Post
Master (EDSPM), Naurangabad as a regular appointee.

2. The applicant states that the post of EDSPM fell vacant due to promotion of regular incumbent Shree Pradeep Kumar Gupta on 6.1.1997. He claims that he was allowed to work on the post of EDSPM, Naurangabad and he has been performing the duties from that time onwards. The applicant was earlier appointed as Extra Departmental Packer as a regular incumbent. The applicant states that he had submitted an application to the respondents for regularisation of his services on the post of EDSPM, Naurangabad. He claims that under the provision of EDA (C&S) Rules 1964 the existing incumbent of ED Post who gave their preference to work against a vacant post of Extra Departmental should be appointed against that post without coming through Employment Exchange. It is also claimed that working ED Agents should be given priority over all other category except the retrenched ED Agent for selection of ED Post. The applicant has claimed that the post of EDSPM is vacant and he is eligible and should, therefore, be appointed to the said post by regularising his appointment made on 20.5.2000.

3. We have heard Shri SC Sharma, the applicant in person and perused the record.

4. It appears that the applicant was engaged as EDSPM, Naurangabad and he had engaged a substitute on his post of ED Packer on his own risk and responsibility. By order dated 3.11.1998, the arrangement was terminated and the Senior Post Master Aligarh was asked to appoint Leave Reserved Postal Assistant as EDSPM. Therefore, the applicant was again appointed as EDSPM till further orders, by order dated 16.5.2000. The said arrangement has been terminated by order dated 7.9.2001 and the

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and the applicant was asked to work as ED Packer,
and perform the work of EDSPM in
Naurangabad in addition to his duties.

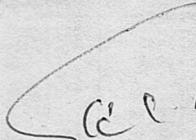
5. The applicant has sought benefit under the letter of DG Post no. 43-27/85-PEN (EDC & Trg) dated 12.9.1988. This is given in para 20 of the Chapter on Method of Recruitment in Swamy's Compilation of Service Rules of ED Staff (6th Edition). The subject is Transfer of ED Agents from one post to another post. We are of the view that benefit of these provisions will not be available to the applicant because the suitability for the post of EDSPM was not judged according to the Method of Recruitment to the post of EDSPM and he was temporarily asked to look after the work of EDSPM. He cannot be granted the claim of appointment as EDSPM to the exclusion of others without going through competitive mode of recruitment which is prescribed for appointment to the post of EDSPM.

6. We do not know under what circumstances the post of EDSPM has not been filled up by following procedure for selection of a regular incumbent. The respondents should have filled up the post expeditiously in accordance with the instructions of the Director General (P&T) contained in DG (P&T) letter no. 43-4/77-Pen dated 18.5.1979. In case the applicant applies for the post of EDSPM and is adjudged ^{eligible} ~~unavailable~~ at the time of regular selection, his claim shall be considered

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by the respondents at that time. With these observations the OA stands disposed of in limine.

7. There shall be no order as to costs.

 
Member-J Member-A

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