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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

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Registration O.A. 635 of 1988

Kuldeep Nath and five others Applicants.

Versus

Union of India
and others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, VC)

The applicants were working as Extra Departmental Substitutes in place of non-approved Extra Departmental Mailman. In the Extra Departmental Agents (Conduct and Service) Rules, 1964 provisions for substitute have been made in place of those who proceed on leave or in the event of temporary appointment in any vacancy for which Extra Departmental Agents are eligible. In pursuance of the order dated 12.7.1986, it was directed that the Extra Departmental Stamp ~~Enders~~ are temporarily appointed in regular vacant posts of Mailman in this unit in an unapproved capacity on daily wages basis. It was further directed that the officer should clearly understand that this casual appointment is purely on adhoc and provisional ^{basis} and does not confer on them any right for regular absorption in the department. It was further directed that the candidates who have been provided by the Extra Departmental Mailman concerned as agents are hereby promoted to work as Extra Departmental Substitutes on the personal responsibility of the Extra Departmental Agents concerned. In

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pursuance of the letter dated 24.6.1986, 7 persons including the applicant were given temporary appointment on the vacant posts of mailman, in Group-D cadre in unapproved capacity on daily wages basis on their own request. These applicants took charge as E.D. employees on the responsibility of the aforesaid persons @@@ as a substitute. The engagement of the substitute will cease from the date when the provisional appointment of the original E.D. men comes to an end. On the appointment of E.D.As. in group-D post, the position was to be reviewed and the arrangement was to be made as per clarification issued by the Director General, New Delhi, and that is why the engagement of the applicants to work as E.D. substitute was terminated vide order issued by the respondent no. 3 dated 27.4.1988 because the original E.D.As employees were promoted as Mailman in clear vacancy with effect from 26.4.1988. The applicants were not allowed to work as a substitute because the regular incumbent has gone on leave. Contrary to this, the regular incumbents were allowed to work as group-D staff and those regular E.D.As. employees have provided their substitutes in the form of the applicants. On behalf of the applicants, it has been contended that as the applicants have been working as substitute for the last so many years and in places of those who have now been promoted, the cases of the applicants for regularisation or regular appointment should have been considered. The learned counsel for the applicant in this connection has drawn our attention to the Supreme Court Decision in the case of Jagrit Mazdoor

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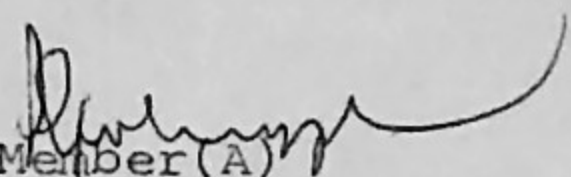
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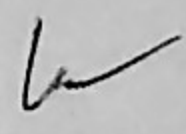
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Union and others Vs. Mahanagar Telephone Nigam Ltd.

1990 (13) A TC page 768 in which case the scheme which was framed by the p & T department known as casual labourers (grant of temporary status and regularisation scheme) has been formulated on 1.10.1989 but this was not applied to the case of the applicants as they were not taken as casual labourers and infact, they were appointed as substitutes not by the department but by the otherunapproved mailman. As the applicants have gained experience , as such, there appointments against the post can be considered and there appears to be no reason why priority and preference will not be given to their cases in preference to the out siders. The application is disposed of with the above observations. No order as to costs.


Member (A)


Vice-Chairman

Dated: 2.9.1992.

(n.u.)