

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 903 of 1994

Allahabad this the 27th day of November 1995

Hon'ble Dr. R.K. Saxena, Member (J)
Hon'ble Mr. S. Dayal, Member (A)

Jitendra Kumar Dixit, S/o Sri V.D. Sharma, R/o 7/5Q
G.P. O. Compound, Pratagarh, Agra.

APPLICANT.

C/A Shri S.K. Tyagi.

Versus

1. Union of India through the Secretary/Director General, Department of Posts, Dak Bhawan, Parliament Street, New Delhi.
2. Sub Record Officer, Agra, R.M.S., 'X' Division, Agra-4
3. Superintendent, Railway Mail Service, 'X' Division, Jhansi.

RESPONDENTS

C/R Km. S. Srivastava

ORDER

By Hon'ble Mr. S. Dayal, Member (A)

This is an application under Section 19
of the Administrative Tribunals Act, 1985,

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2. The applicant seeks the following relief through this application :

- (i) A direction to the respondents to regularise the applicant as a permanent employee in the post of E.D.A . Mail Man against vacant posts in the department.
- (ii) A direction to the respondents to allow the applicant to work as E.D.A. Mail Man.
- (iii) Award of cost of the application.

3. The facts mentioned in the application are that the applicant worked as a Substitute E.D. Agent on daily wages from 03.8.1992 to 31.1.1993 (Annexure-IV), from 17.3.1993 to 11.9.1993 and from 07.10.1993 to 04.3.1994 (Annexures II and III). It is stated that there were 11 posts of Extra Departmental Agents in 1992. Names were requisitioned from the Employment Exchange Agra and eight candidates out of 26 sponsored were appointed on 01.12.1992 while one candidate out of five sponsored was working from 02.5.1994. This left two vacancies which remained available. It is claimed that five candidates who were not sponsored by Employment Exchange and had worked as daily wage E.D. Agents were regularised between 1976 to 1980, another five in 1983, another ^{two} five in 1984 and another ^{two} five in 1986. The applicant claims that he was denied this benefit although he was similarly circumstanced. It is claimed by the applicant that he was not given

regular appointment though he approached respondent no.2 and was promised such appointment.

4. The arguments of Shri S.K. Tyagi, learned counsel for the applicant and Km.S. Srivastava, learned counsel for the respondents were heard.

5. The first ground on which relief has been claimed is that non consideration of the applicant as E.D.A. Mail Man on regular vacancy amounts to violation of Articles 14 and 16. In this connection, the cases of fourteen regularisations from 1976 to 1986 have been mentioned. The respondents have mentioned in the Counter-reply that the cases of these fourteen were governed by different rules. The applicant has not named any of the fourteen persons named as respondents so that facts of their being similarly circumstanced could be brought on record. He has not given any details about their total period of service as daily wagers nor on the posts on which they worked as daily wagers but has merely claimed that they were similarly circumstanced. The respondents have stated in their Counter-reply that the applicant is son of Shri V.D. Sharma, Platform Inspector, Agra Cantt. R.M.S. working under the Sub Record Office Agra, that he worked as E.D. Mail Man on daily wages on the responsibility of his father till the recruitment to the posts of E.D. Mail Man was made from amongst candidates sponsored by the Employment Exchange. Annexure

C.A .1 to 7 shows that the applicant was aware that he was being posted on temporary basis till regular appointment was made and had waived his claim to seek regularisation. The respondents have claimed that regular appointment under the Rules, could be given only to candidates sponsored by Employment Exchange and the candidate himself has shown that 11(12 according to respondents) vacancies were being filled up by requisitioning the names of candidates from the Employment Exchange. Therefore, the applicant has failed to show that he was similarly circumstanced or that there was any violation of Articles 14 and 16 of the Constitution.

6. The termination of service of the applicant on 04.3.1994 in the wake of appointment of regular employees on the existing vacancies was within the competence of the respondents as the applicant has failed to establish any entitlement to be given regular appointment without being sponsored by the Employment Exchange. There is no violation of principles of natural justice in his termination as he was only working as a substitute in brief spells.

7. The applicant is, therefore, not entitled to any of the reliefs. The application fails and is dismissed.

8. There shall be no order as to costs.