

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH ALLAHABAD

Dated : This the 11th day of November 2002.

Original Application no. 612 of 1995.

Hon'ble Maj Gen K K Srivastava, Member (A)
Hon'ble Mr. A K Bhatnagar, Member (J)

Narendra Singh, s/o Shri Maharaj Singh,
R/o Vill Post Edalpur, Distt. Aligarh.

... Applicant

By Adv : Sri M.K. Updhayaya

Versus

1. Union of India, through the Secretary, Ministry of Communication, New Delhi.
2. Senior Supdt. of Post Offices, Aligarh.
3. Director Postal Services, Office of Postmaster General, Agra.

... Respondents

By Adv : Shri S C Tripathi

O R D E R

Hon'ble Maj Gen K K Srivastava, Member-A.

In this O.A., filed under section 19 of the A.T. Act, 1985, the applicant has prayed for direction to the respondents to confirm the services of the applicant on the post of Extra Departmental Branch Post Master (in short EDBPM), Edalgarh, Distt. Aligarh from 6.8.1991, on promotion of permanent encumbant Shri Maharaj Singh as Group 'D' employee. The applicant since then has been working on the said post. During 1995, the respondents called for the names from Employment Exchange for regular selection and the applicant who had by then completed four years, filed this O.A., which has been contested by the respondents by filing counter affidavit.

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2. The case of the applicant is that he was engaged on 6.8.1991 as EDBPM, Edalpur. He fulfills all the eligibility conditions to be appointed as EDBPM. Inspite of the fact that the applicant had completed four years in 1995, the respondents have initiated the case for regular appointment. The contention of the learned counsel for the applicant is that in view of the communication dated 21.7.1994 of Post Master General (in short PMG) Agra Region, regarding filling up the vacant post of Extra Departmental Agents (in short EDAs) (Ann A12), the applicant is fully entitled to be regularised.

3. Shri S.C. Tripathi, learned counsel for the respondents contesting the claim of the applicant submitted that the applicant was never appointed as EDBPM, he is working as substitute all through and since a substitute has no right for automatic regularisation his relief cannot be considered by the respondents. The applicant's name has also been sponsored alongwith two others as stated in para 9 of the counter affidavit and the case of the applicant will be decided as per merit.

4. Heard, learned counsel for the parties, considered their arguments and perused records.

5. Admittedly, the applicant has been working as EDBPM since 6.8.1991. The process for regular selection was instituted in the year 1995 and in absence of any stay order it is not understood as to why the respondents have failed to finalised the same. Learned counsel for the applicant also contended that the applicant in pursuance to the order of PMG, Agra Region dated 21.7.1994 was regularised and that is why the applicant was permitted to appear in the

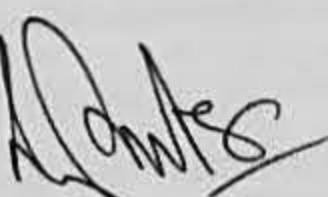
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Postman examination to be held on 23.11.1997. We find force in his submission. Learned counsel for the applicant has produced letter of Senior Supdt. of Post Offices (in short SSPOS) Aligarh, containing the list of candidates who were permitted to appear in the postman examination dated 23.11.1997 and the applicant's name stands shown as an Extra Departmental Employee at Sl no. 290. It leaves no doubt in our mind that in November 1997, the applicant was no more a substitute, but was a regular Extra Departmental Employee because had his services not been regularised as Extra Departmental his name could not have been included in the list of eligible EDAs to appear in the Postman examination.

6. In the facts and circumstances, and our aforesaid discussion the O.A. is allowed. The applicant's services will be treated as an ED Employee on the post of EDBPM,
^{as a regular EDA} Edalpur. The OA is disposed of accordingly.

7. There shall be no order as to costs.


Member B


Member A

/pc/