

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 20th day of May 2002.

QUORUM : HON. MR. S. DAYAL, A.M.

HON. MR. RAFIQUDDIN, J.M.

O. A. No. 1366 of 2000.

Prem Narain Dwivedi aged about 45 years s/o Late Shri G.P. Dwivedi
r/o Moh. Ram Nagar, Orai, Jalaun..

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..... Applicant.

Counsel for applicant : Sri K.K. Mishra.

Versus

1. Union of India through Director General, Post Office, New Delhi
2. Chief Post Master General, UP Circle, Lucknow.
3. Post Master General, Agra.
4. Senior Supdt. of Post Office, Jhansi Division, Jhansi.
5. Post Master, H.S.G.-I, Orai.

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..... Respondents.

Counsel for respondents : Sri N.C. Nishad.

O R D E R (ORAL)

BY MR. S. DAYAL, A.M.

This O.A. has been filed for considering the applicant for regularisation on the post of postman against the vacant post in the office of Respondent No.5 or regularisation against any group 'D' post giving him the benefit of scheme in accordance with letter No.45-37/91-SPB.1 dated 5.5.1991.

2. The case of the applicant is that he was appointed as Extra Departmental Telegraph Messenger by memorandum dated 31.8.77 and 1.9.77 and was posted at Head Post Office, Orai. It is claimed by letter dated 17.10.81 that the applicant was promoted to the post of group 'D' employee in pursuance to Army Postal Services examination dated 30.8.81 and was approved for Army Postal Services. By letter dated 7.6.83, the applicant was discharged from Army Postal Service and directed to report to Superintendent of Postal Superintendent, Orai Division. As the applicant was eligible in group 'D' applicant/declared/only for Army Postal Service, the Superinten-

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dent, Orai directed the Post Master, Orai to permit the applicant to join his duties as Extra Departmental Telegraph Messenger, Orai with immediate effect. The applicant worked from July 7, 83 to March 13, 89 as EDM at Orai Head Post Office. Vide letter dated 7.4.89, he was sent on deputation in Regional Telegraph office, Orai. The applicant claims that since he was working as group 'D' employee in Army Postal Service, he should be engaged as Postal group 'D' employee in his parent organisation also. The applicant claims to have performed the duties of postman^{or} as and when required basis from 1993 to June 2000. He claims that he stand second on Muster Roll from Jan.99 to June 2000. He also claims that he possesses the educational qualification required for the postman and has preference over outsider candidates. This is the basis for the applicant claiming relief in this O.A.

3. The brief holders are not in a position to submit any argument on behalf of the parties. Under the circumstances, we have perused the papers and passed the order.

4. The averments of counsel for respondents in counter reply that selection to the post of group 'D' is made from EDM from seniority-cum-fitness basis and to postman cadre on the same basis. It is stated that the applicants stand at Sl.No.1 in the 393 'A' in the gradation list and persons appointed in postman cadre till 25.4.99 stood at Sl.No.168 as far as O.Cs., the category of which the applicant belongs are concerned. As far as group 'D' cadre is concerned, the person last promoted is said to be at Sl.No.173A.

5. The respondents have also brought on record the manner of deputing officials to Army Postal Service. They have referred to instructions dated 28.5.97 which provide that EDA may be deputed in Army Postal Service after ^{given} being technical promotion to group 'D' for a day for manning group 'D' post on a long term basis. They are made to submit a declaration before being considered for ~~promotion~~ deputation to the fact that in case of reversion to the civil side ^{to} due any unfore seen reason before

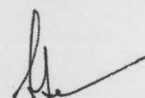
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the term for such official for appointment for group 'D' post is over, the official is ready to be accommodated on the post of Extra Departmental Agent, If the present post (i.e. post of EDM) is not available. If no post of EDA is available at the time of return of such an official, he shall have to wait for appointment such as without claiming promotion to the vacancies arises.

6. The respondents have also brought on record the fact that the application of the applicant was forwarded to appear in the postman examination 1990 but the applicant did not pass the aforesaid examination and, therefore, he cannot claim any right for appointment on the post of postman. As regards, the claim of the applicant that he worked sporadically on the post of Postman, the details of work are given. The applicant was engaged for a period little over a month during the years 1999 to 2000. However, he is ^{entitled} to be considered for promotion to the post of Postman or in group 'D' after passing the prescribed examination and not on the basis of his engagement on Muster Roll on daily wages. The applicant is, therefore, clearly not entitled to promotion either to group 'D' or to the post of Postman as per rules. Therefore, we find no merit in the O.A. which is dismissed

No order as to costs.


J.M.


A.M.

Asthana/
29.5.02