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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A.No.269 OF 1989.

Decided on :- December 15, 1989.

Trinath Naik, son of Jaladhar Naik,
At/P.O. Gania, District- Puri.

... Applicant

Versus.

1. Union of India, represented by its Secretary in the Department of Posts, Dak Bhavan, New Delhi.
2. Postmaster General, Orissa Circle, At/P.O. Bhubaneswar, District-Puri.
3. Superintendent of Post Offices, Puri, At,P.O./District-Puri.
4. Sub-Divisional Inspector (Postal), Nayagarh Post Sub-Division, At/P.O. Nayagarh, District-Puri.

.... Respondents

For the Applicant :- M/s. Deepak Misra, Anil Deo and B.S.Tripathy.

For the Respondents :- Mr. Tahali Dalai, Addl. Standing Counsel(Central).

C O R A M :

THE HONOURABLE MR. B.R. PATEL, VICE-CHAIRMAN
A N D

THE HONOURABLE MR. N. SEN GUPTA, MEMBER (JUDL.)

1. Whether reporters of local papers may be allowed to seen the judgment ? Yes.
2. To be referred to the Reporters or not ? No.
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

JUDGMENT.

N. SEN GUPTA, MEMBER (JUDICIAL).

The material facts lie in a narrow compass. The applicant has prayed for an appropriate direction to the respondents to consider his case for appointment to the post of Extra Departmental Mail Carrier (for short, E.D. M.C.), Kishore Prasad Post office or in some other post office at a nearby place. The allegations are that the father of the applicant namely Jaladhar Naik was working as E.D.M.C. of Kishore Prasad Branch Post office. Jaladhar fell sick in February, 1987. So the applicant was substituted and he worked as a substitute E.D.M.C. till June, 1987. In June, 1987 the Sub-Divisional Inspector (Postal) Nayagarh (respondent No.4) directed him to make over charge as Jaladhar retired in the same month. He (the applicant) made representations and also forwarded one such representation to the Central Minister of State for Home. Respondent No.3 was asked by the Private Secretary to the Hon'ble Minister of State for Home to consider the applicant's case sympathetically, but as yet, no appointment has been provided to him.

2. The respondents in their counter have not disputed the retirement of Jaladhar on superannuation but they have alleged that Jaladhar retired on 21.4.87. They have ~~also not~~ ^{- only} disputed the allegation of the applicant about the period

Alka Sen Gupta / 15/11/

for which he was substituted in the leave vacancy of his father and according to them, the applicant worked for 21 days only. It has been further pleaded in the counter that some persons already in employment have been declared surplus on the abolition of the posts they held, and those persons are to be suitably absorbed for which reason the post of E.D. M.C. Kishore Prasad Branch Post office and some other posts have been kept vacant.

3. We have heard Mr. Anil Deo, learned counsel for the applicant and Mr. Tahali Dalai, learned Additional Standing Counsel for the respondents. There is no dispute that the post of E.D.M.C. is lying vacant nor has there been any dispute that for some time the applicant worked as a substitute during the leave vacancy of his father in that post office. It is not seriously disputed by the applicant that some non-postal employees have become surplus due to the recent circular for abolition of the posts of Night Watchman. It is not the stand of the respondents that they would not consider the case of the applicant but their stand is that new persons would be appointed after making provision for absorption of the surplus staff. This stand of the respondents cannot be said to be an unreasonable one. We would accordingly say that it is not possible to grant the relief that the applicant has asked for, but however, his case for appointment, if he applies, ^{- and a post is available.} may be sympathetically considered by the department as he had worked as a substitute E.D.M.C., within a period of two months from the date of receipt of his application for the said post.

Ans [unclear] 15/1/89

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4. The application is accordingly disposed of.
No costs.

..... *Member 15/12/89.*

MEMBER (JUDICIAL)

B.R. PATEL, VICE-CHAIRMAN.

I agree.

Parveen 15.12.89

.....
VICE -CHAIRMAN.



Central Administrative Tribunal,
Cuttack Bench, Cuttack,
The December 15, 1989/ Jena, SrPA.