

6

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.475 of 1989.

Date of decision & February 26, 1990.

Chandra Sekhar Khatua ... Applicant.

Versus

Union of India and others ... Respondents.

For the applicant ... Mr. D.P.Dhalsamant, Advocate.

For the respondents ... Mr. Agwini Kumar Misra,
Sr. Standing Counsel (CAT)

C O R A M :

THE HON'BLE MR.P.S.HABEEB MOHD., MEMBER (ADMINISTRATIVE)

A N D

THE HON'BLE MR.N.SENGUPTA, MEMBER (JUDICIAL)

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1. Whether reporters of local papers may be allowed to see 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.
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J U D G M E N T

*Encl 6
16.2.90*
N.SENGUPTA, MEMBER (J) The applicant has prayed for the relief of a direction to the respondents to consider his case and to appoint him as Extra-Departmental Mail Carrier (for short EDMC), Sompur Branch Post Office. The facts alleged by the applicant are that his father retired from service as Extra-Departmental Agent, Tangisahi being invalid. During the period the applicant's father became invalid, the applicant was working temporarily

as an Extra-Departmental Delivery Agent. As he (the applicant) apprehended that his temporary appointment may be terminated, he approached this Tribunal by filing Original Application No. 117 of 1989 for a direction to appoint him as an Extra-Departmental Delivery Agent. That application was disposed of by this Tribunal with a direction that the applicant was to be allowed to continue in the post of Extra-Departmental Delivery Agent in Tangisahi Post Office till regular appointment is made. In that application this Tribunal further observed that the case of the applicant was to be considered for the post of Stamp vendor or any other post of other category of agents for which there is no prescribed educational qualification or to any other post according to the qualification of the applicant. A regular appointment was made and the applicant was thrown out of employment. The applicant has further stated that at Sompur Branch Post Office which ~~is~~ ⁱⁿ account with Bolgarh Sub Office, a post of Extra-departmental MailCarrier is lying vacant and that Branch Post Office is close to his native place. Therefore, he may be appointed to that post.

2. The respondents in their counter have disputed the claim of the applicant by alleging inter alia that the post of Extra-Departmental Mail Carrier in the Sompur Branch Post Office fell vacant from 8.9.1989 due to the death of the incumbent, at that time the incumbent E.D.M.C. had left a substitute who was working in his place. The substitute continued to work in the post on provisional basis as a stop gap arrangement. Thereafter a request was made to the local Employment Exchange to sponsor candidates and the usual formalities for appointment

Mr. E.M.V.

were gone through. In the meanwhile the posts of Nightwatchmen of neighbouring Sub Offices were abolished and in accordance with the letter No.41-439/St,PE - dated 14.12.1987 of the Directorate of Posts absorption of Extra-Departmental Night Watchmen was taken up. The E.D.Nightwatchman of Bolgarh S.O. was asked to work as E.D.M.C. Sompur after obtaining his willingness. So , there is no vacancy against which the applicant could be appointed.

3. We have heard Mr.D.P.Dhalsamant, learned counsel for the applicant and Mr.Aswini Kumar Misra, Senior Standing Counsel (CAT) for the respondents and perused the papers. From Annexure-R-3, which is a copy of the instructions regarding selection of E.D.Aagents it would be found that E.D.M.C.should be the residents in the station of the main Post Office or of a place where from mails originate or terminate i.e. they should be permanent residents of the ~~territory~~^{delivery} jurisdiction of the concerned Post Office. From the cause title of the application it would be found that the applicant is a resident of Tangisahi which is under Tangisahi Post Office. There can be no difficulty in saying that the applicant is not a resident of the place where Sompur Post Office is located. There is no allegation that Tangisahi is within the delivery jurisdiction of Sompur Post Office. In such circumstances, we do not find any reason to give a direction as prayed for by the applicant. This application accordingly stands dismissed but without costs.

.....26.2.1990....
Member (Administrative)



.....26.2.1990....
Member (Judicial)