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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK.

Original Application No. 264 of 1990.

Date of decision: July 14, 1992.

Balkrushna Pradhan

...

Applicant.

versus

Union of India and others ...

Respondents.

For the applicant ...

M/s. Devanand Misra,
Deepak Misra,
R.N. Naik, A. Deo,
B.S. Tripathy,
P.P. Panda, Advocates.

For the Respondents ...

Mr. Aswini Kumar Misra,
Sr. Standing Counsel (CAT)

C O R A M:

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

A N D

THE HONOURABLE MR. M. Y. PRIOLKAR, MEMBER (ADMN.)

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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?
3. Whether Their Lordships wish to see the fair copy of the judgment? Yes.

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JUDGMENT

K.P.ACHARYA, V.C., In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays for a direction to be issued to the respondents to allow the applicant to take up the examination of Postmen/V.P.M./Mail Guard to be held on 19.8.1990 and in the event of success, the applicant may be suitably posted against one of such posts.

2. Shortly stated, the case of the applicant is that on 15.12.1972 he was appointed as an Extra-Departmental Branch Post Master of Baghala Post Office in place of one Gobinda Chandra Sahu who was put off from duty. This appointment was purely as a substitute. The said Gobinda Chandra Sahu filed an application under section 19 of the Administrative Tribunals Act, 1985 which formed subject matter of O.A.26 of 1986 which was disposed of on 11.10.1986 and Gobinda Chandra Sahu was directed to be reinstated and accordingly Gobinda Chandra Sahu was reinstated for which the applicant had to vacate the said office. In view of the observations made by this Bench in the said judgment to appoint the applicant in a nearby Post Office, the applicant got an appointment on 23.3.1988 as Extra-Departmental Branch Post Master in Laxmipur Post Office. Applications were invited from eligible candidates for being appointed/promoted to the post of Postmen/V.P.M./Mail Guards on 26.6.1990. The applicant was one of the applicants. He was not allowed to appear at the examination as he had not satisfied the eligibility criteria. Hence, this application has been filed with the aforesaid prayer.

3. In their counter, the respondents maintained that that the eligibility criteria of three years regular service as Extra-Departmental Branch Post Master not having been satisfied, rightly the authorities denied the applicant for entertaining his application and therefore, the case being devoid of merit is liable to be dismissed.

4. Vide order dated 26.7.1990 the applicant was permitted to appear at the examination but it was subject to the result of the application. The applicant has appeared. Now we are called upon to determine the merits of the case.

5. We have heard learned counsel for the applicant and Mr. A. K. Miara, learned Senior Standing Counsel (CAT) for the respondents. Annexure-R/1 clearly indicates that the vacancy will be filled up on the basis of length of service from EDDAs who have put in three years of regular service (emphasis is ours) and this is contained in DG Posts letter No. 44-44/82-SPB-I dated 7.4.1989. Learned counsel for the applicant urged before us that the services of the applicant rendered from 15.12.1972 till 11.10.1986 should be counted to his credit and therefore, the applicant is eligible to appear at the examination. The applicant was not in regular service so far as his appointment in the Baghala Post Office is concerned, he was working merely ^{as a} ~~as~~ substitute/provisional appointee. 'Regular service' is ^{has} ~~is~~ a definite connotation and it has clear, definite import. His appointment in Laxmipur Branch Post Office is on regular basis and that is with effect from 23.1.1988. The examination was held on 26.7.1990

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Hence, the applicant has not completed three years of regular service and thereforewe find no merit in this application which stands dismissed. No costs.

.....(40.82.)
MEMBER (ADMN.)

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VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
July 14, 1992/Sarangi

