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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original application No. 301 of 1990.

Date of decision : January 2, 1991

Antaryami Jena and 5 others ...

Applicants.

Versus

Union of India and others ...

Respondents.

For the applicants ... M/s. Bijay Kumar Behura
U.C. Behura, Advocates.

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

C O R A M :

THE HONOURABLE MR. B. R. PATEL, VICE-CHAIRMAN

A N D

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

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.

JUDGMENT

K. P. ACHARYA, VICE-CHAIRMAN, In this application under section 19 of the Administrative Tribunals Act, 1985, the applicants (six in number) pray for quashing of Annexure-3 as arbitrary, malafide, discriminatory and illegal and for regular absorption of the applicants as Extra-Departmental Mailman.

2. Shortly stated, the case of the applicants is that they were working as casual workers as Extra-Departmental Mailman in the Head Record Office, Railway Mail Service, 'N' Division, Cuttack. The applicants' case is that vide Annexure-3 dated 6.8.1990 the Senior Superintendent of R.M.S. 'N' Division, Cuttack

has ordered disengagement of the applicants from the post of Extra-Departmental Mailman. Hence, this application has been filed with the aforesaid prayer.

3. In their counter, the respondents maintained that the applicants having been found to be surplus and they being only substitutes, they have no right to claim that their engagement should continue.

4. We have perused the contents of Annexure-3 and so also the averments made in the original application and in the counter. Nowhere it is stated that the petitioners are disengaged from their casual work. The Postal Department being a large Organisation we are sure, the applicants can be adjusted in some other Offices and we further direct that the principles laid down by Their Lordships of the Hon'ble Supreme Court in the judgment reported in AIR 1987 SC 2342 (Daily rated casual labour employed under P& T Department through Bharatiya Dak TarMazdoor Manch v. Union of India) be followed. Incidentally we may say that after the judgments of the Hon'ble Supreme Court on this point were delivered including the judgment referred to above, the Director General, Posts has also issued circulars for compliance of the principles laid down by Their Lordships in their judgments.

5. We hope and trust that the Postal authorities of Orissa Circle will follow the observations of Their Lordships in the above judgment and also the observations in similar judgments and the directives contained in the letter of the Director General, Posts.

6. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.

Rashmi 2-1-91
.....
Vice-Chairman

Leisure 2-1-91
.....
Vice-Chairman



Central Administrative Tribunal,
Cuttack Bench, Cuttack.
January 2, 1991/Sarangi.