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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

Original Application No. 449 of 1991.

Date of decision : August 25, 1993.

Baman Charan Mishra and others ... Applicants.

Versus

Union of India and others ... Respondents.

(FOR INSTRUCTIONS)

1. Whether it be referred to the Reporters or not ? *NO*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ? *NO*


(H. RAJENDRA PRASAD)
MEMBER (ADMN)
25 AUG 93


25.8.93
(K.P. ACHARYA)
VICE-CHAIRMAN

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CUTTACK BENCH: CUTTACK.

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For the applicants ... M/s. Devanand Misra,
Deepak Misra,
R. N. Maik, A. Deo,
B. S. Tripathy, Advocates.

For the respondents ... Mr. Aswini Kumar Misra,
Sr. Standing Counsel (Central)
Mr. P. N. Mohapatra,
Addl. Standing Counsel (Central)

C O R A M:

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

A N D

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

JUDGMENT

K. P. ACHARYA, V.C., In this application under section 19 of the Administrative Tribunals Act, 1985, the applicants (three in number) pray that appropriate direction be issued to the respondents to regularise/absorb the applicants in the posts of Telegraphmen in the Office of the Departmental Telegraph Office at Paradeep and to quash the selection/appointment to the said three posts.

2. Shortly stated, the case of the applicants is that they were initially working in the Posts & of a Departmental Telegraph Office Telegraphs Department. After the opening they have been given the posts of Extra-Departmental Delivery Agents including Extra-Departmental Packer in the Postal Department relating to which the applicants have a

grievance. Their case is that after the opening of a Departmental Telegraph Office, having been posted in the Telecommunication Department, such posts should continue in the Telecommunication Department.

3. Counter has been filed on behalf of the Postal Department and Telecommunication Department. In both the counters, it is maintained that the applicants are under the employment of Postal Department and they were temporarily deputed to the Telecommunication Department because posts were to be located for these three applicants and those who are similarly circumstanced. After posts have been located, the applicants have been given the posts of Extra-Departmental Delivery Agents and Extra-Departmental Packer. Hence, the case being devoid of merit is liable to be dismissed.

4. We have heard Mr. Deepak Misra, learned counsel for the applicants and Mr. Aswini Kumar Misra, learned Senior Standing Counsel (Central) for the respondents and Mr. P. N. Mohapatra, learned Addl. Standing Counsel (Central). Undisputedly the applicants have been posted as Extra-Departmental Delivery Agents/Extra-Departmental Packers under the Postal Department. Mr. Deepak Misra submitted that the applicants being regular employees under the Posts & Telegraphs Department, their services should be placed in the Telecommunication Department instead of Postal Department. We do not find any rhyme or reason for accepting this submission made at the Bar. The applicants have not been deprived of their employment.

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At the cost of repetition it may be stated that the applicants have been originally appointed in the Posts and Telegraphs Department and after bifurcation they have been employed under the Postal Department. Therefore, the grievance of the applicants is baseless. We find no merit in this application which stands dismissed. No costs.

The applicants should be allowed to continue in the Postal Department and we hope they have joined their present posts.

MEMBER (ADMN.) 25 Aug 93

leg assembly
25/8/93.

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
August 25, 1993/Sarangi.