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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.526 of 1991

Date of decision: July 8, 1993

Kshetra Mohan Mohanty and others Applicants

Versus

Union of India and others Respondents

(For Instructions)

1. Whether it be referred to the Reporter or not?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or Not?


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

8/7/93


8.7.93
(K.P. ACHARYA)
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO : 526 OF 1991

Date of decision: July 9, 1993

Kshetra Mohan Mohanty and others Applicants

Versus

Union of India and others Respondents

For the Applicants : M/s. Deepak Misra, A. Deo,
B.S. Tripathy, P. Panda,
Advocates.

For the Respondents : Mr. Ashok Misra, Sr.
Standing Counsel (Central)

C O R A M :

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

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

J U D G M E N T

K.P. ACHARYA, V.C.

In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioners (three in number) pray for a direction to be issued to the Opposite Parties to absorb the petitioner on regular basis as Post Peon in Puri Head Post Office.

2. Shortly stated the case of the petitioners is that Petitioner No.1 is at present working as Extra Departmental Night Watchman in the Puri II Post Office Station Road, Puri. Petitioner No.2 is at present working as Extra Departmental Mail carrier at Manikarnika Chhak Town Sub Post Office and Petitioner No.3 is at present working as Extra Departmental Mail Carrier at Lahinikhia Chhak Town Sub Office in the Town of Puri. Petitioners claim to have worked for more than 240 days as Post Peon in the Head Post Office at Puri and therefore, this application has been filed with the aforesaid prayer.

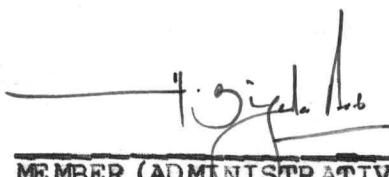
3. In their counter, the Opposite Parties maintained that whenever a particular post Peon working in the Head Post Office goes on leave some of the ED Agents including the petitioners ^{are} had ^{by} directed to work as substitute. As soon as the regular incumbent joins, the substitute vacates the post. In such circumstances, the petitioners are not entitled to regularise. ^{ahon} Hence the case being devoid of merit is liable ^{to} be dismissed.

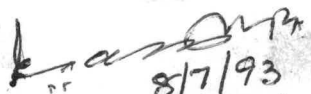
4. We have heard Mr. Deepak Misra learned counsel appearing for the petitioners and Mr. Ashok Mishra learned Senior Standing Counsel for the Opposite Parties. At the outset we may state that

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the petitioners have signally failed to prove that they had continuously worked for more than 240 days. On the contrary, we find from the averments in the pleadings that the petitioners had been asked to work as substitutes for a temporary period during the absence of regular Post Peon. In such circumstances, we find no merit in this application which stands dismissed. There would be no order as to costs.


 MEMBER (ADMINISTRATIVE)
 8/7/93


 8/7/93
 VICE-CHAIRMAN

Central Administrative Tribunal,
 Cuttack Bench, Cuttack/K. Mohanty/
 8.7.93.

