

3

CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH: CUTTACK.

2

ORIGINAL APPLICATION NO.433 OF 1992  
Cuttack, this the 26th day of June, 1997

Krishna Chandra Panda and another ..... Applicants.

vrs.

Union of India and others ..... Respondents.

FOR INSTRUCTIONS

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

*Somnath Som*  
(SOMNATH SOM)  
VICE-CHAIRMAN

8

4

CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.433 OF 1992  
Cuttack, this the 26th day of June, 1997

C O R A M

HONOURABLE SRI SOMNATH SOM, VICE-CHAIRMAN

.....

1. Krishna Chandra Panda,  
aged about 28 years,  
son of Harihar Panda,  
At-Chudanga Sahi, Town & District-Puri.
  
2. Lingaraj Sahu,  
aged about 30 years,  
son of Kapila Sahu,  
At/PO-Kapileswarpur,  
District-Puri. ... Applicants.

Vrs.

1. Union of India, represented by its Secretary,  
Department of Posts, Dak Bhavan,  
New Delhi.
2. Chief Post Master General, Orissa Circle,  
At/PO-Bhubaneswar, District-Puri.
3. Senior Superintendent of Post Offices,  
Puri Division,  
At/P.o./District-Puri ... Respondents.

Advocates for the applicants - Devanand Misra  
R.N.Naik,  
A.Deo  
P.Panda  
D.K.Sahu

Advocate for the respondents - Mr.Ashok Misra

O R D E R

SOMNATH SOM, VICE-CHAIRMAN

In this application, the two applicants have  
prayed for a direction to the respondents to regularise

*Somnath Som*  
*26/6/97*

5

their services in the posts of E.D.M.C. They have also prayed for an alternative relief of regularisation of their services in any other Group-D posts under Puri Head Office.

2. Facts of this case, according to the application, are that they have been working in the Department under the respondents from 1983. In 1988, 1989 and 1990 they have worked for more than 240 days and according to the circulars dated 15. 2.1980 and 7.2.1983, which are at Annexures 1 and 2, they want regularisation of their services in Group-D posts.

3. The respondents in paragraph 8 of their counter have pointed out that the applicants are regular E.D.employees of Puri Division and the question of their further regularisation does not arise. From this, it is seen that their prayer for regularisation as E.D.employees has already been granted and therefore, the alternative prayer does not survive and to that extent the application has become infructuous. However, as regards the alternative prayer for regular appointment to Group-D posts, it has been submitted by the respondents that applicant no.1 is working as E.D.Packer-cum-Mailman under Puri Head Office from 1.7.1983 and applicant no.2 is working as E.D.M.C., Puri-Kapileswarpur line from 4.1.1982. In course of their work, they are required to come to Puri Head Office daily for exchange of mail. Because of absence of adequate leave

Jammam Jmm.  
26.6.97

6  
reserve Postmen, these two E.D.Agents have been engaged in Group -D posts on daily wage basis on short term vacancies and the applicants have worked in such Group-D posts taking leave from E.D.jobs by providing substitutes. Question of their regularisation in Group-D posts can come only when such posts fall vacant and when their turn comes for such regularisation. As such their prayer for regular appointment in Group-D posts is held to be without any merit and is rejected.

4.In the result, therefore, I hold that the application has become infructuous and is disposed of, but, under the circumstances, without any order as to costs.

*Somnath Som*  
(SOMNATH SOM)  
VICE-CHAIRMAN  
*26.6.97*

AN/PS