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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 468 OF 1992
Cuttack this the 23rd day of July, 1999

Khetra Mohan Pandia

Applicant(s)

-Versus-

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

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

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN

23.7.99

23.7.99
(G. NARASIMHAM)
MEMBER (JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 468 OF 1992
Cuttack this the 23rd day of July, 1999

CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
THE HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

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Sri Khetra Mohan Pandia,
aged about 35 years,
S/o. Sri Baidhar Pandia,
Sahadev Khunta
Balasore-756 001

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Applicant

By the Advocates : Mr. P.V.Ramdas

-Versus-

1. Union of India represented
by the Chief Post Master General,
Orissa Circle,
Bhubaneswar-751001
2. Superintendent of Post offices,
Balasore Division,
Balasore-756 001
3. Postmaster Gr.I,
Balasore H.O.
Balasore-756 001

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Respondents

By the Advocates : Mr.A.K.Bose
Sr.Standing Counsel
(Central)

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ORDER

MR.G.NARASIMHAM, MEMBER(J): In this application for issue of direction to respondents, i.e. Postal Department to regularise the service of the applicant and absorb him as Group D official, the version of the applicant is that he has been working in the Postal Department as a contingent employee since 1976 and that he also functions as Group D employee in the Head Post Office at Balasore under Annexure-A series. On 16.8.1991 his services have been put to an end. His representation dated 26.8.1991 to Superintendent of Post Offices, Balasore Division (Res.2) did not yield any result.

2. Respondents in their counter opposed the prayer stating that the applicant was never given any appointment as a part-time contingent employee. To provide drinking water to staff of Balasore Head Post Office, two part-time contingent workers are engaged in that office. These contingent workers are required to work 3/4 hours daily and paid allowance from contingent head. The Post Master, Balasore Head Post Office (Res.3) is authorised to engage any suitable outsider to manage the work. When any of the part-time workers remains absent from duty, some other outsider is engaged by the Postmaster to manage the work in his place. The applicant is one of such outsiders, who was occasionally engaged as a substitute to the contingent Waterman of Balasore Office. When any departmental Group D official proceeds on leave and when no extra hand is available, such part-time contingent worker is also engaged on daily wage basis. The applicant was engaged to work in different

Group D vacancies in five spells during the year 1988-89 for a total period of 45 days only(Annexure-A series). In giving such engagement, the applicant was clearly informed in writing that his engagement was purely temporary and did not confer any right to claim for his absorption. Further Group D posts are filled up by E.D.Agents of the Division according to seniority-cum-merit. There are very limited Group-D posts in this particular Division in comparison to E.D.posts. E.D.Agents, even after rendering 20 years of continuous service are not getting chance to be absorbed in Group D posts. D.G.(Posts) letter dated 8.5.1991(Annexure-R/1) issued clear instructions in this regard specifically pointing out that E.D.Agents not possessing minimum educational qualification cannot be considered for selection to the post of Group D in category No.1 of Recruitment Rules and such E.D.As can be considered for the post in Categories - II and III basing on their seniority as the qualification prescribed for these posts is desirable and not essential. The applicant had not filed any rejoinder to meet the aforesaid grounds taken by the respondents.

3. We have heard Shri P.V.Ramdas, learned counsel for the applicant and Shri A.K.Bose, learned Senior Standing Counsel appearing for the respondents. Also perused the records. Excepting the assertion of the applicant that he had been attached to the Head Post Office, Balasore since 1976 on contingent basis, no documentary evidence is forthcoming in this regard. In view of specific denial by the Department it is not desirable to accept this version of the applicant. All

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that Annexure-A series reveal that during 1988-89, the applicant worked for a total period of 45 days in different Group D vacancies in five spells. It is not clear from the pleadings as to the educational qualification of the applicant. Hence we cannot presume that the applicant has the minimum educational qualification required for a Group D post. Accordingly, in view of instructions in circular dated 8.5.1991 of D.G.Posts (Annexure-R/1), the applicant is not entitled to be considered for absorption as Group D.

In the result we do not see any merit in this application which is accordingly dismissed, leaving the parties to bear their own costs.

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
23.7.99
B.K.SAHOO

23-7-99
(G.NARASIMHAM)
MEMBER (JUDICIAL)