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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 485/93
Cuttack, this the 24th day of June, 1997

Uttam Charan Jena Applicant.

-versus-

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 *24.6.97*

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CENTRAL ADMINISTRATIVE TRIBUNAL,

CUTTACK BENCH: CUTTACK.

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ORIGINAL APPLICATION NO.485/93
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CORAM:

HONOURABLE SRI SOMNATH SOM, VICE-CHAIRMAN

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Uttam Charan Jena,
aged about 29 years, son of Durga Charan Jena,
Village Parbat Paraswa,
P.O-Ragnagiri, District-Jajpur,
at present working as casual water carrier,
Kalyaninagar Sub Post Office,
At/PO-Kalyaninagar, Cuttack-13, Dist. Cuttack ... Applicant.

-versus-

1. Union of India, represented through its
Secretary, Department of Posts,
Ministry of Communication, Dak Bhawan, New Delhi
2. Chief Post Master General, Orissa Circle,
Bhubaneswar, District-Khurda
3. Senior Superintendent of Post Offices,
Cuttack City Division, Cuttack.
4. Post Master, Cuttack General Post Office,
At/PO/District-Cuttack.
5. Sub.-Divisional Inspector (Postal),
Cuttack North Sub-Division, Cuttack-3.
6. Sub-Postmaster, Kalyaninagar Sub Post Office,
At/PO-Kalyninagar, Cuttack-13 Respondents.

Somnath Som
24.6.97
Advocates for the applicant -

M/s Dayanidhi
Mohanty
B.K. Biswal &
K. Lenka.

Advocate for Respondents -

Mr. Ashok Misra

O R D E R

SOMNATH SOM, VICE-CHAIRMAN

In this petition under Section 19 of the
Administrative Tribunals Act, 1985, the petitioner has prayed

for a direction to the respondents to absorb him in any of the Extra-Departmental or Group-D posts.

2. Facts of this case, according to the application, are that the applicant is working as casual water carrier in Kalyaninagar Sub-Post Office since 1.10.1990 and has in the meantime discharged duties in different capacities like Postman, E.D.Packer, etc. At Annexure-1 he has submitted details of days on which he has performed duties as Postman and E.D.Packer. On that basis, he wants regularisation of his services either as an E.D.Agent or as a Group-D employee. It is also submitted by him that respondent no.6 has recommended his regularisation.

3. The respondents in their counter have pointed out that the applicant has worked as Postman for 79 days and for 102 days as substitute of Gayadhar Jena, E.D.Packer in the same post office during the period of four years from 1990 to 1993. It has been submitted by the respondents that as a major part of his engagement was as a substitute and substitutes are provided by E.D.Agents at their own risk and responsibility, on the basis of his work as substitute he cannot claim appointment as an E.D.Agent, much less as a Group-D employee. The respondents have also stated that as and when the turn of the applicant comes up, his case will be considered for appointment as E.D.Agent, as his name has been included in the seniority list of part-time casual workers.

Sanjay Kumar
24.6.97

4. I have heard Sri D.Mohanty, the learned lawyer for the applicant, and Sri Ashok Mishra, the learned Senior Panel Counsel appearing on behalf of the respondents. As I see from Annexure-1 filed by the applicant himself, in none of these four years from 1990 to 1993, the applicant has worked for more than 240 days. As a matter of fact, his total days of engagement in these four years, according to him, come to 205 days, out of which for the major part he has worked as substitute of Gayadhar Jena, E.D.Packer of the same Post Office. Under the Rules, substitutes are provided by E.D.Agents at their own risk and responsibility and on the basis of such service, the Department is not obliged to regularise them. In view of this, it is held that the applicant has not been able to make out a case for his appointment as E.D.Agent. As he is a part-time casual worker and his name is included in the seniority list of casual workers, his case will be considered in his turn. The applicant will have to wait for his turn for his case being considered.

5. In the result, I hold that the application is without any merit and is rejected, but, under the circumstances, without any order as to costs.

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN