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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NOS.548 & 631 OF 1993

Cuttack, this the 30th day of October, 1998

CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN

AND

HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

.....

In OA No. 548 OF 1993

1. Shri Kulamani Behera, aged about 38 years,
son of late Chintamani Behera,
Vill/Post-Mukundaprasad,
Dist. Khurda, at present
working as Postman, Ashok Nagar S.O.,
At/PO-Bhubaneswar, Dist.Khurda.
2. Shri Kartik Pradhan,
aged about 45 years,
Vill/Post-Siso, Via-Gop,
Dist.Puri, at present working as Postman, Ashok
Nagar S.O.,
At/PO-Bhubaneswar, Dist.Khurda

In OA No. 631 of 1993

1. Shri S.K.Sallaudin, aged about 29 years,
s/o S.K.Jalludin, Vill-Islampur, PO-Madhyakatela,
P.S-Jagatpur, Dist.Cuttack,
at present working as Postman, Barmunda Colony,
Bhubaneswar, Dist.Khurda.
2. Sri Artatrana Muduli, aged about 37 years,
s/o late Krushna Ch.Muduli, Vill-Nuasatanga,
P.O-Krushnaprasad, P.S-Niali, Dist.Cuttack,
at present working as Postman Barmunda Colony,
Bhubaneswar-3, Dist.Khurda.....Applicants

By the Advocate - Mr.H.P.Rath

Vrs.

In both the OAs

1. Union of India, represented through Director General
of Posts, Dak Bhawan, New Delhi-110 001.
2. The Chief Post Master General, Orissa Circle,
Bhubaneswar-1, Dist.Khurda.

3. The Senior Superintendent of Post Offices,
Bhubaneswar division, At/PO-Bhubaneswar-1,
Dist.Khurda.
4. The Assistant Superintendent of Post Offices,
Bhubaneswar North Sub-Division,
Bhubaneswar-751 001, Dist.Khurda.....Respondents

By the Advocate - Mr.Ashok Misra,
Senior Panel
Counsel.

O R D E R

SOMNATH SOM, VICE-CHAIRMAN

These two applications have been heard separately. But the applicants in these two cases are similarly situated. Their prayer is also the same and the applications are also identical. The stand taken by the respondents in their counters is the same in both the applications and they have filed identical counters. The point for adjudication is also the same. Therefore, these two applications are being disposed of by one common order. For the purpose of disposing of these two applications, it is not necessary to go too much into the facts of the case. Only the essential facts are being noted.

2. The two applicants in OA No.548 of 1993 have prayed for quashing the order dated 30.9.1993 at Annexure-1 in which they were appointed substantively as Permanent Leave Reserve Postmen and posted to Ashoknagar and Chandrasekharpur Housing Board Colony Sub-Offices. They have also prayed for a direction to post them as permanent Postmen. Their grievance is that ^{while} in the order at Annexure-1 they have been made permanent, they have been posted as permanent leave reserve Postmen whereas certain other persons who have been temporarily appointed as Postmen after them are continuing as temporary Postmen. They have prayed that those persons who joined service after them and are junior to them,

8 should be posted as permanent leave reserve Postmen and they should be posted as permanent Postmen. The applicants in OA No.631/93 have made exactly similar prayer as in the case of the applicants in OA No.548 of 1993. The grounds on which their prayer is founded are also the same. On the day of admission of OA No.548 of 1993, by way of interim order, operation of the order dated 30.9.1993 at Annexure-1 was stayed so far as placing of the applicants in leave reserve category is concerned. In OA No.631/93 on the day of admission, in order dated 19.11.1993 the operation of the order dated 30.9.1993 was stayed. These interim orders are continuing till date.

3. The respondents in their counter have pointed out that amongst the Postmen a gradation list is maintained in the following order:

- (1) Permanent officials
- (2) Permanent Leave Reserves
- (3) Temporary officials
- (4) Temporary Leave Reserves

SJM The respondents' case is that a new entrant can only act as temporary leave reserve according to the availability of leave reserve post and thereafter according to his seniority and record of service, on a temporary post of Postman falling vacant, he would be adjusted as temporary Postman after the requisite period of service.

After the temporary Postman is made permanent, amongst the permanent Postmen, the juniormost is kept as permanent leave reserve according to the availability of the leave reserve posts. The respondents' case is that the four applicants in these two cases have been confirmed as permanent leave reserve Postmen and accordingly shown against leave reserve posts. The temporary leave reserve Postman and temporary Postman cannot work against

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permanent leave reserve posts because they are junior and have not been made permanent. On the above grounds, the respondents have opposed the prayer of the applicants.

4. We have heard Shri H.P.Rath, the learned counsel for the petitioners and Shri Ashok Misra, the learned Senior Panel Counsel appearing for the respondents, and have also perused the records.

5. From the pleadings, two points are clear. Firstly, by being appointed as permanent leave reserve Postmen, the pay and allowances of the applicants are not adversely affected in any way and therefore, they have no cause of grievance on that account. The second aspect is that after they have been made permanent, they have to first work as permanent leave reserve Postmen according to their seniority and in both these cases, the four applicants have been shown against permanent leave reserve posts strictly according to their seniority. The respondents have also stated in their counter that cases of other temporary officials immediately junior to these applicants fulfilling the conditions and those who are eligible for being declared as permanent are being processed and soon after such persons are made permanent, they will be made permanent leave reserve Postmen and the applicants would be delinked from the leave reserve posts by a new set of officials who would be made permanent. It has been submitted by Shri H.P.Rath, the learned counsel for the petitioners that these applications were filed in 1993. By now some other persons junior to these applicants might have been made permanent and might have replaced the applicants from the leave reserve posts. In any case, as we have already noted, by being shown against

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leave reserve posts, the applicants do not suffer any injury. They have been shown against leave reserve posts strictly in accordance with their lower seniority amongst the permanent officials cadre. In view of this, we hold that the applicants have not been able to make out a case for quashing the order dated 30.9.1993 at Annexure-1 to the extent prayed for by them and their posting as permanent Postman from the date of their substantive appointment.

6. In the result, therefore, both the Original Applications are held to be without any merit and are rejected but, under the circumstances, without any order as to costs. The interim orders of stay stand vacated.

Sd/- G. Narasimham
Member (Jud)

Sd/- Somnath Som
Vice-Chairman

30.10.98

AN/PS