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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 730 OF 1994
Cuttack this the 12th day of September/2000

Makunda Paik

...

Applicant(s)

-VERSUS-

Union of India & Others

...

Respondent(s)

(FOR INSTRUCTIONS)

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

(G. NARASIMHAM)
MEMBER (JUDICIAL)

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Sanjiv Kumar
(SANJIV KUMAR)
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 730 OF 1994
Cuttack this the 12th day of September/2000

CORAM:

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

Sri Makunda Paik
aged about 24 years,
Son of Damodar Paik
At/PO: Dahana, Via: Dongarbheja
District - Nowrangpur

...

By the Advocates

Applicant

M/s. R.N. Naik
A. Deo
B.S. Tripathy
P. Panda
P.K. Misra

-VERSUS-

1. Union of India represented by it's
Secretary, Ministry of Communications
Department of Posts, Dak Bhawan, New Delhi
2. Chief Post Master General, Orissa Circle
Bhubaneswar, Dist - Khurda
3. Senior Superintendent of Post Offices,
Koraput Division, At/PO: Jeypore,
District - Koraput
4. SubDivisional Inspector (Postal)
Nowrangpur Sub-division,
At/PO/District - Nowrangpur

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By the Advocates

Respondents

Mr. A.K. Bose
Sr. Standing Counsel
(Central)

ORDER

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MR. SOMNATH SOM, VICE-CHAIRMAN: In this Application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner has prayed for quashing the order dated 1.7.1994 (Annexure-5) in which it has been stated that B.O. bags will be conveyed by Shri Ulla Pradhan from Dhana to Digisolpa until further orders in addition to his own duties.

The applicant was in charge of Office of E.D.M.C., Dahana but by this order he was disengaged. He has also prayed for a direction to respondents to regularise his service in the post of E.D.M.C., Dahana. Respondents have filed their counter opposing the prayer of the applicant. For the purpose of considering this petition it is not necessary to go into too many facts of this case. The case of the applicant is that on the retirement of his father from the post of E.D.M.C., Dahana Branch Office he was appointed to that post for a period of six months from 1.1.1992 to 30.6.1992. This appointment was extended in order dated 6.7.1992 for another period of six months. Thereafter in order dated 24.2.1993 his appointment was extended by one more year w.e.f. 1.1.1993 to 31.12.1993. Again his service was extended for another period of six months w.e.f. 1.1.1994 to 30.6.1994. In the impugned order dated 1.7.1994 (Annexure-5) one Ulla Pradhan Digisolpa Branch Office was directed to discharge the duties of E.D.M.C. Dahana B.O. in addition to his own duties and accordingly the applicant was not engaged any further. The applicant has stated that he has worked for more than two and half years without any complaint and therefore he has approached this Tribunal with the prayers referred to earlier.

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2. Respondents in their counter have admitted that the applicant continued from 1.1.1992 till 30.6.1994. Thereafter another E.D.M.C. was directed to discharge the duties of E.D.M.C., Dahana in addition to his own duties. Later on the post of E.D.M.C. ^{Dahana} was filled up by one surplus candidate Sri Chengudu Gouda consequent upon the abolition of the post of E.D. Night-watcher, Nowrangpur S.O. where Shri Chengudu Gouda

was working upto 30.9.1991. He was allowed to continue as Extra Departmental Delivery Agent-cum-Mail Carrier at Mantriguda B.O. w.e.f. 1.10.1991 till 30.9.1994. Sri Chengedu Gouda was appointed on transfer as E.D.M.C., Dahana B.O., and therefore, the applicant had to be disengaged.

3. From the recital of above facts it is clear that the applicant was appointed as E.D.M.C., Dahana in order to manage day to day work. He did not come through any process of selection nor has the applicant made any averment in this Application that he was selected to the post of E.D.M.C., Dahana through any process of selection. The person who came in his place was a surplus Night watcher, Nowrangpur S.O. The postal authorities abolished the post of Night Watcher at some stage with a rider that the existing Night watcher should continue in their post till they are absorbed in any other E.D. Posts. In view of this the Department cannot be faulted ~~for~~ ^{Jm} for adjusting Sri Chengedu Gouda, a surplus Night Watcher as E.D.M.C. Dahana. In view of this prayer of the applicant to regularise him in the post of E.D.M.C., Dahana is held to be without any merit and the same is rejected. Respondents have submitted at Para-6 (Page-3) of their counter that now there is a vacancy in the post of E.D.D.A.-cum-M.C., Mantriguda B.O. because of shifting of Sri Chengedu Gouda from Mantriguda to Dahana B.O. This counter has been filed by the Respondents more than five years ago. We note that the applicant worked as E.D.M.C. for two and half years and his services have been dispensed with for no fault of his. In consideration of the above we direct that in case there is a vacancy in the post of E.D.M.C., Mantriguda Branch Office,

as mentioned by the Respondents in the counter and the said vacancy is still continuing, the case of the applicant may be considered against that vacancy in case has applied already and/or applies for that post and in the process of selection weightage should be given for his experience of two and half years.

With the above direction Original Application is disposed of, but without any order as to costs.

(G.NARASIMHAM)
MEMBER (JUDICIAL)

(SOMNATH SCM)
VICE-CHAIRMAN

B.K.SAHOO//