

(5)

O.A.No. 582/1995

ORDER DATED 18-04-2002.

Applicant's brother was engaged as Extra Departmental Branch Post Master (in short EDBPM) and while continuing as such, applicant's said brother faced a sudden demise in harness. Following to the said premature death of his brother, the Applicant was engaged on provisional basis as EDBPM of the Post Office, where his brother was working as EDBPM. It is reported in the bar that the Applicant is still continuing to discharge the duties of EDBPM on provisional basis in the post office where his brother was working, prior to his premature death. Applicant's prayer to be regularised as EDBPM having been turned down for the reasons of OM No.14014/20/90-Estt. (D), dated 9th December, 1993, of Ministry of Personnel, public Grievances and Pensions, Department of Personnel and Training of Govt. of India, the applicant, being the dependent brother of the deceased EDBPM, has been denied compassionate appointment and, in the said premises, the Applicant has approached this Tribunal in the present Original Application for redressal of his grievance.

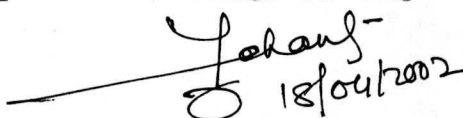
Today during the hearing of this case, Advocate for the Applicant draws my attention to the provisions contained in DGP&T letter No.43-4/77-Pen., dated 23.2.1979 and 18.5.1979 (printed in Swamy's compilation of Service Rules for Postal ED Staff at page 88) wherein it has been made clear that efforts should be made to give alternative employment to ED Agents who are appointed provisionally and subsequently discharged from service due to administrative reasons, if at the time of discharge they had put in not less than three

years' service. It is submitted by the Advocate for the Applicant that the present Applicant has been continuing to discharge his duties as provisional EDBPM of Luhuringia Branch post Office for last eight years and in the said premises, he prays for a direction to the Respondents to consider his case for regularisation as EDBPM.

^{Having}
~~Having~~ heard the Advocate for the Applicant and Mr. Bose, learned Senior Standing Counsel for the Respondents, and after giving anxious consideration to all aspects of the matter, involved in this case, the Respondents are hereby directed to regularise the services of the Applicant as EDBPM by keeping in mind the fact that the Applicant has worked as a provisional EDBPM for last eight years and until due consideration is given ^{and steps are taken} ~~and~~ to regularise his services as EDBPM, he should not be terminated/discharged from the provisional employment as EDBPM. However, it is made clear that before regularising the services of the Applicant, he should be asked to fulfil the required conditions.

With the above observations and directions this OA is allowed. No costs.

Mr. Routray, undertakes to file the required postages by 22-4-2002 for service of a copy of this order on the Respondents by Regd. Post with AD.


(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)