

Order dated 12.8.2003

None appeared for the applicant nor the applicant appeared in person when called. On <sup>an</sup> earlier occasion also the applicant was absent when the matter was called for hearing. However, Shri U.B. Mohapatra, the learned Addl. Standing Counsel is present and this being a year-old case of 1998, we perused the records with his aids and assistance.

Applicant (Shri Bhaskar Chandra Nanda) by filing this Original Application under Section 19 of the A.T. Act, 1985, ventilated his grievance that although he had been working for more than 10 years as substitute in different posts, the Respondents did not regularise him in Group-D cadre in spite of his repeated representations. He, ~~has~~ therefore, approached this Tribunal seeking a direction to be issued to the Respondents to regularise his service against any vacant Group D post for which he was suitable according to Rules.

The Respondents-Department contested the contentions raised by the applicant. Referring to DG's instructions (Below-Rule-5 of P&T E.D. Agents (Conduct & Service) Rules, 1964), they have stated that the applicant, who had worked as substitute, <sup>used to be</sup> appointed through the aegies of the E.D. Agent going on leave. Such an arrangement was made in terms of the aforesaid rules by the E.D. Agent concerned. Although such a substitute arrangement had also the approval of the authority competent to sanction leave to him, the Department was in no way concerned with the

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appointment of the substitutes. In other words, the Department did not have any master-servant relationship between them and the substitute. That apart, controverting the claim of the applicant that he had worked as substitute for 10 long years, the Respondents, by filing details about the actual appointment as substitute of the applicant have shown that on a few occasions he had been allowed to work as substitute during the period from 1.5.1989 to 14.11.1997 ranging the days' of engagement from minimum of 2 days to a maximum of 92 days at different spells and in all he was engaged on 25 occasions. Shri Mohapatra drew our attention to the various provisions regarding recruitment to the cadre of Group D to show that there is no recognition of the substitutes for providing employment on a regular basis in the cadre of Group D, under the recruitment rules.

Having regard to the contentions made by Shri Mohapatra, we find no merit in the submissions made by the applicant in his O.A. and therefore, we hold that the applicant's engagement as substitute <sup>entitle</sup> does not ~~entail~~ him any claim to regularisation in the Respondents' Department. Accordingly, this O.A. is disposed of being devoid of any merit. No costs.

VICE-CHAIRMAN

MEMBER (JUDICIAL)

Free copies of final  
Order dt. 12.8.03 issued  
to counsel for both sides

*[Signature]*  
S.O. J.

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