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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH:CUTTACK.

Original Application Nos.634/1998 & 635/1998.
Cuttack, this the 26th day of July, 2000.

NARAYAN BISOI & ANOTHER. .... APPLICANTS.

- VERSUS -

UNION OF INDIA & OTHERS. ..... RESPONDENTS.

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not? No.

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

(SOMNATH SOM)
VICE-CHAIRMAN 26/7/2000

26.7.2000
(G.NARASIMHAM)
MEMBER(JUDICIAL).

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A.No.634/1998.

NARAYAN BISOI,
E.D.M.C,
Aged about 35 years,
S/o.Late Chakradhar Bisoi,
At/Po:Chakapada, Via.Begunia,
Dist: Khurda. ... Applicant.

By legal practitioner: M/s.P.V.Ramdas,
P.V.B.Rao,
Advocates.

-Versus-

1. Union of India represented by the Chief Postmaster General, Orissa Circle,Bhubaneswar-1.

2. Senior Superintendent of Post Offices, Puri Division,Puri.

3. Assistant Superintendent of Post Offices I/c, Khurda Sub Division,Khurda.

4. Postmaster,Khurda H.O.,Khurda.

5. Sub Postmaster,Begunia S.O,Dist.Khurda.

... Respondents

By legal practitioner: Mr.A.K.Bose,SSC.

...

O.A.No.635/1998.

RAJKISHORE PATNAIK, EDMC,
Aged about 57 years,
S/o.Late Durga Charan Patnaik,
At/Po:Begunia,Dist.Khurda. ... Applicant.

By legal practitioner: M/s.P.V.Ramdas,
P.V.B.Rao,
Advocates.

-Versus-

1. Union of India represented by the Chief Postmaster General,Orissa Circle,Bhubaneswar,-751 001.

2. Senior Superintendent of Post Offices, Puri Division, Puri.

3. Assistant Superintendent of Post Offices I/c., Khurda Sub Division, Khurda.

4. Postmaster Khurda HO, Khurda.

5. Sub-Postmaster, Begunia SO, Dist. Khurda.

.. Respondents.

By legal practitioner :Mr. A.K.Bose, SSC.

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CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN
AND
THE HONOURABLE MR. G. NARASIMHAM, MEMBER(JUDL.).

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CUTTACK, this the day of , 2000.

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In these two applications, containing identical nature of prayers, Respondents are common. Applicants are also EDMCs under Puri Postal Division. Hence, though the applications were heard separately, they are being disposed of through common order.

2. Applicants in both the OAs are EDMCs under Begunia Sub Post Office. While applicant in OA No. 635/98 carries Mail from Begunia to Chakapada on the Kadeb Line, the applicant in OA No. 634/98 carries mail from Dingar to Routapada. They are to perform their duties for five hours a day and are being paid monthly pay of Rs. 420/- besides DA etc. In both these places

the menial work like Sweeping and supply of water were being performed by some casual labourers on contingent basis upto 1.5.1998. Thereafter, engagement of such Casual Labourers were dis-continued in view of the instructions of Director General of Posts in letter dated 5.5.1991. Thereafter, the Senior Supdt. of Post Offices, Puri Division, directed the applicants to perform additional duties such as supply of water and Sweeping of the Office Rooms on the ground that their EDMC work justifies four hours a day.

3. It is the case of applicant that they represented expressing their resentment but the SSPO threatened to take disciplinary action against them. Hence these applications have been filed to declare that the Sweeping and Supplying of water would not come under the duties of the EDMCs and non-performance of such menial work would not ~~construed~~ constitute any mis-conduct.

4. Department in their counters take the stand that as per the DG's circular of the year 1991, Casual labourers can not further be engaged on contingent basis. Hence the labourers who are under engagements had to be discontinued. The work of the two applicants in carrying mails hardly justifies four hours a day and the remaining ~~whole~~ one hour, they can as well attend to the Sweeping of the Office Rooms and supply of water to the staff, which are quite essential for running of the Office. In fact ED agents like EDMCs are eligible for promotion to the cadre of regular Gr.D posts and some Gr.D employees are entrusted with Sweeping duty. This being so, entrustment of Sweeping duty to EDMCs ~~which~~ who are lesser in cadre than Gr.D is not irregular. However, when the case was revised by the Res.No.1 i.e. Chief Postmaster General, in letter dated 10.5.1999 (Annexure-R/3),

it was intimated that entrustment of Sweeping work to the applicants was found to be unjustifed and as such, the order entrusting the menial work under Annexure-1 stands cancelled.

5. We have heard Mr. P. V. Ramdas, learned counsel for the applicants and Mr. A.K. Bose, learned Senior Standing Counsel (Central) appearing for the Respondents and have also perused the records in both these cases.

6. It is clear from Annexure-R/3 that the Chief Post Master, General, Respondent No.1 in letter dated 10.5.1999 intimated that additional Sweeping work and bring drinking water can not be given to the ED Staff where casual labourers were doing this work prior to 4.2.1997. In these two offices, casual labourers were performing this menial work upto 1.5.1998. Hence the applicants would not be entrusted with this menial work. In fact in the counters, also the Department made this position clear.

7. In this view of the matter, question of taking disciplinary action against the applicants for their resentment to do this menial work would not arise.

8. In the result, the original Applications are disposed of in terms of the discussions made above. No costs.

(SOMNATH SOM)
VICE-CHAIRMAN

(G. NARASIMHAM)
MEMBER(JUDICIAL)

KNM/CM.