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**CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO. 692 OF 1998
Cuttack this the 2nd day of December, 1999
3rd

Sridhar Sethi

Applicant(s)

-Versus-

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ?

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN

3.12.99
(G. NARASTHMAM)
MEMBER (JUDICIAL)

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**CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO.692 OF 1998
Cuttack this the 2nd day of December, 1999
CORAM: 3rd

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN

AND

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

...

**Sri Sridhar Sethi, aged about
31 years, Son of Narayan Sethi
At/Po: Oupada, Via: Alba,
P.S: Pattamundai, Dist: Kendrapara**

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Applicant

By the Advocates : **Mr.T.Rath**

-Versus-

1. **Union of India represented through
The Chief Post Master General,
Orissa Circle, bhubaneswar
At/Po: Bhubaneswar, Dist: Khurda**
2. **The Superintendent of Post Offices,
Cuttack North Division
At/Po/Dist: Cuttack**
3. **Sub-Divisional Inspector(Postal)
Pattamundai Sub-Division,
At/Po: Pattamundai, Dist: Kendrapara**

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Respondents

By the Advocates : **Mr.A.K.Bose
Sr.Standing Counsel
(Central)**

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ORDER

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MR.G.NARASIMHAM, MEMBER(JUDICIAL): Applicant, Sridhar Sethi, who, on provisional basis served as Extra Departmental Mail Carrier, Oupada Branch Office on various dates from 14.7.1992 to 15.4.1994, in this application prays that direction be issued to respondents(Department) to absorb him as E.D.M.C., treating him as a retrenched candidate instead of going for a regular process of selection or in the alternative, to treat his application under Annexure-5 as application for the post of E.D.M.C. Rangani Branch Office and to select him by giving due weightage to his past experience. This application was filed on 22.12.1998.

2. Earlier Original Application 124/94 filed by this applicant was disposed of on 3.8.1995 (Annexure-3) with a direction to applicant to bring the fact of genuineness of his certificate disputed by the Department to the notice of the C.P.M.G., Orissa, for his version. This Q.A. 124/94 was concerned with selection of E.D.M.C., Oupada Branch Office and in that selection one Kailash Chandra Mallick, securing higher percentage of marks than all was selected (Annexure-R/1) dated 15.3.1994. Through Annexure-4 dated 31.12.1996, the Department intimated to the applicant that he could not have been considered for the post even if the Transfer Certificate in question was genuine, because of desparity in the educational qualification.

According to applicant, in the meanwhile, post of E.D.M.C., Rangani Branch Office has fallen vacant and the respondents are ignoring his candidature even though he has submitted application under Annexure-5 dated

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21.10.1998. Hence this application.

3. Respondents in their counter take the stand that experience of E.D.Agent, who worked for more than three years alone on provisional basis, under the Circular can be taken into account and not the E.D.AGENTS, who worked for less than three years. The applicant worked on provisional basis for less than three years. Hence giving due weightage to the experience would not arise. Moreover, the applicant was not appointed provisionally through a regular process of selection. The Department is yet to take steps to fill up the post of E.D.M.C., Rangani Branch Office. In filling up so, the Department is not, under law, to accede to the prayers of the applicant made in this Original Application.

4. No rejoinder has been filed.

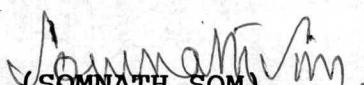
5. We have heard Shri T.Rath, learned counsel for the applicant and Shri A.K.Bose, learned Senior Standing Counsel for the respondents. Also perused the records.

As per the pleadings above, it is clear that the applicant ~~was~~ though ^{was} appointed, on provisional basis, but not selected through a regular process of selection for the post of E.D.M.C., Oupada Branch. Moreover, in that capacity he worked hardly for two years. Under the Departmental rules, weightage of services on provisional basis would be given only in cases of service of more than three years and that too when the provisional appointment was made through a regular process of selection vide D.G.(P&T) Letter dated 23.7.1979. It is also not in dispute that Kailach Ch. Mallick having better educational qualification than the applicant was selected for the post of E.D.M.C., Oupada Branch. This

having
apart, this Kailach Ch. Mallick has not been impleaded as
Respondent in this application, his selection/appointment
cannot be questioned by the applicant.

So far as selection to the post of E.D.M.C.,
Rangani Branch Office is concerned, we are not inclined
to direct the respondents to give weightage to the
provisional experience of the applicant in view of the
reasons mentioned above. Respondents are at liberty to
finalize the selection, if not already done, as per
departmental rules/instructions.

Original Application is disposed of as per
observations and direction made above, but without any
order as to costs.


(SOMNATH SOM)
VICE-CHAIRMAN

B.K. SAHOO

202-55
(G. NARASTHAM)
MEMBER (JUDICIAL)