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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 491 OF 1999
Cuttack this the 12th day of December /2000

Purna Ch. Behera

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 ?

14/12/00
(D.V.R.S.G. DATTATREYULU)
MEMBER (JUDICIAL)

(SOMNATH SOM)
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 491 OF 1999
Cuttack this the 12th day of December/2000

CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
THE HON'BLE SHRI D.V.R.S.G.DATTATREYULU, MEMBER (JUDICIAL)

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Purna Chandra Behera, aged about 26 years,
S/o. Sri Arakhita Behera of Vill. Daspur,
PO/PS. Golanthara, Dist - Ganjam

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By the Advocates

Applicant

M/s.P.K.Panda
P.K.Padhi
A.K.Swain

-VERSUS-

1. The Senior Superintendent of Post Offices,
Berhampur Division, At/PO:Berhampur,
Dist - Ganjam
2. The Sub-Divisional Inspector (posts)
Berhampur, South Sub-Division,
At/PO: Berhampur, Dist-Ganjam

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By the Advocates

Respondents

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

ORDER

MR.SOMNATH SOM, VICE-CHAIRMAN; In this Application under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for a direction to respondents to consider his representation at Annexure-8 in the matter of filling of filling up of the vacancy in Panigrahi Pentha Post Office within a stipulated time. He has also prayed for a direction to S.D.I(P) Respondent No.2 to move the Senior Superintendent of Post Offices, Berhampur for engaging the applicant within a fixed time period.

2. The case of the applicant is that on a put off duty vacancy in the post of E.D.D.A., Sihala Branch Office, he was appointed in order dated 12.10.1998 to that post and he joined

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 on 16.10.1998. He worked satisfactorily and ultimately in order dated 24.7.1999 his service was terminated and he handed over the charge on 4.8.1999. Applicant has stated that a similar post is lying vacant in Panigrahi Pentha Branch Office and he has applied for the same. In the context of the above he has come up in this petition with the prayers referred to earlier.

3. Before we take note the stand of the Respondents in their counter, it is necessary to mention that in course of his submission, the petitioner stated that prior to his appointment as E.D.D.A., Sihala Branch Office on 16.10.1998, he was working on daily wage basis in Berhampur Head Post Office and he worked, according to him on daily wage basis for a period of three years. But this averment has not been made in the Original Application and therefore, the Respondents have not had a chance to give their reply to this. Therefore, this submission of the petitioner cannot be taken into account.

4. Respondents in their counter have stated that one Sri Lokanath Sahu, E.D.D.A., Sihala Branch Office was put off duty on 1.9.1998 and to manage the work the applicant was appointed as E.D.D.A. and he joined on 16.10.1998. Respondents have denied the averment made by the petitioner in his Original Application that he was selected to the post of E.D.D.A. through a regular process of selection. Respondents have pointed out that for being appointed to the post of E.D.D.A. Sihala Branch Office on 16.10.98 the applicant did not come through any process of selection. Respondents have further stated that the applicant continued to work as E.D.D.A. Sihala till 4.8.1999 when on reinstatement of the original incumbent Shri Lokanath Sahu, his services were terminated. As regards the applicant's averment for consideration

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for the post of Panigrahi Pentha, Respondents have stated that the case of the applicant was considered for the post of EDDA-cum-Packer, Panigrahi Pentha along with other candidates, but because of low marks in the Matriculation, he could not be selected. On the above grounds respondents have opposed the prayer of the applicant.

5. We have heard Shri P.C.Behera, petitioner appearing in person. As learned counsels have abstained themselves from attending the Court work without any notice, we have not had the benefit of hearing learned Senior Standing Counsel appearing for the Respondents. But, we have considered the counter filed by the Respondents and the annexures thereto.

6. The admitted position which emerges from the above is that the petitioner worked as E.D.D.A. in a put off duty vacancy from 6.10.1998 to 4.8.1999. It is also the admitted position that his services had to be terminated not because of any fault on his part, but because the original incumbent was reinstated. D.G. (Posts) has issued instructions that where services of an E.D.Agent are terminated on grounds unconnected with his work then his case should be considered for appointment in future E.D. vacancy. In consideration of the above, we dispose of this Original Application with a direction to Respondent No.1, viz., Senior Superintendent of Post Offices, Berhampur Division that in case the petitioner applies for any post of E.D.Agent and his application with necessary documentation is received within the last date of receipt of such applications, then his case should be considered strictly in accordance with rules for such post. His experience for working as E.D.D.A., Sihala Branch Office for the period as mentioned above cannot be given any weightage

nor the period of his engagement on daily wage basis. But, while considering the candidature of the petitioner the fact that he belongs to Scheduled Caste should be taken into consideration along with the fact that he has worked as E.D.D.A. Sihala Branch Office for the period aforementioned and in case he has actually worked on daily wage basis for a period of three years in Berhampur Head Post Office, as submitted by him in course of his submission in person, this fact should also be taken into consideration.

In the result, therefore, Original Application is disposed of in terms of observation and direction made above, but without any order as to costs.

(D.V.R.S.G.DATTATREYULU)
MEMBER (JUDICIAL)

(SOMNATH SOM)
VICE-CHAIRMAN

B.K.SAHOO//