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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

ORIGINAL APPLICATION NO. 607 OF 1999
Cuttack this the 1st day of May, 2000

Mahendra Singh

Applicant(s)

-Versus-

Union of India & Others

Respondent(s)

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ? *Yes.*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? *No.*

G. NARASIMHAM
(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
7.5.2000

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CUTTACK BENCH CUTTACK

ORIGINAL APPLICATION NO. 607 OF 1999
Cuttack this the 1st day of May 2000

CORAM:

THE HON'BLE SHRT SOMNATH SOM VICE-CHAIRMAN
AND
THE HON'BLE SHRT G.NARASTHAM MEMBER (JUDICIAL)

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Sri Mahendra Singh
aged 28 years
S/o. Sri Narayana Singh
At: Balia PO: Balia Bibhuti Para
Via: Derabis District: Kendrapara

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Applicant

By the Advocates : Mr. P.K. Padhi

-Versus-

1. Union of India represented by it's
Chief Post Master General
Orissa Circle
At/PO: Bhubaneswar Dist: Khurda-751001
2. Superintendent of Post Offices
Cuttack North Division
At: P.K. Parija Marg
PO: Cuttack G.P.O. Dist: Cuttack
3. Sub Divisional Inspector (Postal)
At/Po: Salipur Dist: Cuttack-754202

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Respondents

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

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ORDER

MR. SOMNATH SOM VTCE-CHTRMAN: In this Application under Section 19 of the Administrative Tribunals Act 1985 the applicant has prayed for a direction to respondents to consider his case for any vacant E.D.Post in the Division in view of circular of D.G.(Posts) and the law laid down by the Full Bench of the C.A.T. in the case of G.S. Parvati vs. S.D.T.(P) & Ors. reported in 1991-93 F.B.Judgments Page 23.

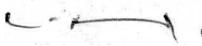
2. For the purpose of deciding this Original Application it is not necessary go to into too many facts of this case. According to petitioner he was originally appointed as Extra Departmental Delivery Agent of Balia Bibhutipada Branch Office with effect from 28.3.1990. After working for 743 days i.e. more than two years his services were terminated. The applicant represented for a posting in someother E.D. job but without any result that is why he has approached this Tribunal with the prayers referred to earlier.

3. Respondents in their counter have stated that as the applicant had not put in three years of service by the time he was disengaged according to D.G.(Posts) Circular his name is not to be kept in the waiting list even though his services were discontinued not for any fault on his part. On the above grounds respondents have opposed the prayer of the applicant.

4. In this case the applicant has not for to prayed/appointment/ any particular E.D.post. He has only prayed that in case he applies for any E.D.Post his application should be considered and experience gained by him during the period of provisional appointment should

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be taken into account at the time of selection for such post. It is submitted by learned Sr. Standing Counsel Shri A.K. Rose that out of the total period of engagement of the applicant he was engaged as substitute for some time and this period of engagement as substitute cannot be taken into consideration. Law on this point has been laid down by the Full Bench of C.A.T. (Ernakulam) in the case of G.S. Parvati vs. S.D.T. (R) & Ors. reported in 1991-92 F.R. Judgments Page 23 where in it has been laid down that experience gained while rendering service on account of provisional appointment should be taken into account at the time of regular selection. In this view of the matter we dispose of this Original Application with a direction to departmental authorities that in case the applicant applies for any E.D. Post and in case he has requisite qualifications for the said post then his application should be considered along with other candidates and while so doing experience gained by the applicant during the period of provisional appointment as distinguished from the period of service as substitute should be given due weightage. There shall be no order as to costs.


(G. NARASTMHAM)

MEMBER (JUDICIAL)

B.K. SAHOO


(SOMNATH SOM)
J.S. 2000

VICE-CHAIRMAN