

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

14. 18.07.01

For Admission

9.7.01

Berech

For Admission

17.7.01

Berech

For Admission

14.8.01

Berech

Mr. P.K. Padhi, on behalf of Mr S.P. Mohanty, learned Counsel for petitioners, requests for an adjournment. prayer is allowed. Adjourned to 16.08.01.

Vice-Chairman
18/7.

Member (J)

15. ORDER DATED 16-8-2001.

Heard Shri P.K. Lenka, learned Counsel for the Applicant and Shri A.K. Bose, learned SSC for the Respondents & have also perused the records.

In this Original Application, the applicant has prayed for a direction to the Respondents not to give appointment to the Respondent No. 4 in the post of EDMC cum Letter box Peon and for a direction to the Respondents to consider the case of applicant for appointment to the post of EDMC cum letter Box Peon taking into account the Director General of Posts letter dated 6-6-1998 at Annexure-4. Respondents have filed counter. No rejoinder has been filed. For the purpose of considering this petition, it is not necessary to go into too many facts of this case. So far as the first prayer of applicant about a direction to the Respondents not to give appointment to the Respondent No. 4 to the post

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of EDMC cum Letter Box Peon is concerned, it is noted that Respondent No. 4 was issued with notice but he did not appear or file counter. Departmental Respondents have stated that who was a retrenched ED employee Respondent No. 4 was ultimately adjusted against some other post and not against the post of EDMC cum Letter Box Peon, Purusottampur and the post is lying vacant. In view of this the first prayer of the applicant has become infructuous.

So far as second prayer is concerned, the case of the applicant is that he has been working as part time waterman in Purusottampur Sub post Office from 1.7.1998 and for sometime he has worked as EDMC cum letter Box Peon as a substitute during the period of leave of regular incumbent who had retired on 14.8.99.

Applicant wants that in accordance with the DG posts letter dated 6.6.88, his case should be considered for appointment against the post. Respondents in para-13 of their counter have stated that the case of the applicant would be considered by the appropriate appointing authority at the appropriate time. In Circular dated 6.6.88 of Director General of Posts, it has been noted that casual workers and part time casual workers are also entitled to be considered for appointment in Gr.D posts in

But
the Deptt./in order of priority mentioned in the said circular itself they occupied the lowest position and ED agents are above them. It has been noted by the Director General of posts that as there are large number of ED Agents waiting for consideration for

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absorption against Gr.D post, casual labourers whole time and part time hardly get ^{any} chance to get absorbed in ED posts. In view of this it has been provided in the circular that casual labourers both part time and whole time should be considered for appointment in the post of ED Agents in case they have the requisite qualification and are willing for the job and had also sponsored initially through the Employment Exchange. In view of the above circular, we dispose of the O.A. with a direction to the Respondents that the case of the applicant should be considered strictly in terms of the circular dated 6.6.83 at Annexure-4 of DG (Posts) along with others for appointment to the post of EDMC cum Letter box Peon, Purusottampur.

In the result, with the above observations and directions, the O.A. is disposed of. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Sony
(SOMNATH SONY)
VICE-CHAIRMAN
16.8.2001

KNM/CM.

Case Record
received on
28.8.01.

Five copies of
final order
dt. 16.8.2001 issued
to counsel for
both sides. *Phy*

S.O.D.

28/8/01