

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dated 13.01.2004.

Heard this matter in part. Call this matter for further hearing on 06.02.04. This may be listed on 06.02.2004 as a part heard matter.

Vice-Chairman <sup>13/1</sup>  
Member (J)

Order dated 26.2.2004

Heard Shri H.K.Mallick on behalf of Shri S.R.Mishra, learned counsel for the applicant and Shri A.K.Bose, learned Senior Standing Counsel appearing on behalf of the Respondents and perused the materials placed on record.

In this O.A. the applicant has prayed for direction to be issued to Res.No.3 to regularise his service in the post of Postman by conferring on him seniority and other consequential service benefits.

The factual matrix of this case is that the applicant, while working as E.D.M.C.-cum-Packer under Orient Colliery Sub Office, Brajarajnagar was appointed to work as Postman in the said Post Office on daily wage basis with effect from 12.4.1997(Annexure-1). He continued in that appointment with breaks till 06.2.2000 (the detail particulars of

For further hearing  
advt 6.2.04

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For further hearing  
advt 17.2.04

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Copies of order dt 26/2/04  
issued.

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are at Annexure-3 - Page-12 to 297. It is his case that by order dated 7.2.2002 the Respondents replaced him from the post of Postman by appointing one Ram Kumar Halai to that post. He has further submitted that in the meantime he had appeared in Postman Examination which was held on 16.1.2000 in that Division and without waiting for the results of that Examination the Respondents have illegally appointed Res.No.5 as Postman in his place.

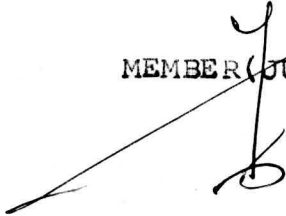
The Respondents-Department by filing a detailed counter have contested the application on the ground that the applicant has no claim for permanent appointment to the post of Postman except through the process of selection for that post as mentioned in the Recruitment Rules. They have further submitted that as per the order of the Respondents-Department to tide over the short term vacancies, the willing E.D. officials are engaged as Postman on daily wage basis. As there was only one E.D.Post in Orient Colliery S.O. which was held by the applicant, the Sub Post Master of Orient Colliery Post Office had engaged him to fill up the vacant post. Later on the appointment was discontinued as under the departmental instructions, no E.D. Agent should be posted for a long period so that the benefit could be distributed to other suitable E.D.s by turn. As the Respondent No.5 had applied expressing his willingness to work as Postman, he was given the opportunity by

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by substituting him for the post of Postman, Orient Colliery Post Office. During hearing of the matter Shri Bose has disclosed that the Post of Postman of that S.O. has since been filled up regularly and one Shri Kishra Kusum has been appointed to that post.

Having heard the rival parties and having regard to the departmental rules governing the regular appointment to the post of Postman in question we see no merit in this O.A. which is accordingly dismissed. No costs.

  
VICE-CHAIRMAN 26/2

  
MEMBER (JUDICIAL)