

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dated 1.3.2004

Heard Shri D.P.Dhalasamant, learned counsel for the applicant and Shri U.B.Mohapatra, learned Addl. Standing Counsel appearing on behalf of the Respondents and also perused the materials placed on record.

Applicant, Shri Sadananda Sahu, who worked as E.D.Packer (presently working as E.D. for collection from letter box) has approached this Tribunal with a grievance that although he is working in that capacity of letter box Peon since April, 1994, he has not been regularised against that post. He has, therefore, prayed this Tribunal for direction to be issued to the Respondents not only to regularise him in the post of Letter Box Peon with effect from 1.1.1991, but to pay him the arrear salary of letter Box Peon from April, 1984.

The Respondents have contested the applicant on all counts. It has been stated by them that the post of Letter Box Peon(Gr. D) which existed earlier was abolished on introduction of One Time Bound Promotion (O.T.B.P.) with effect from November, 1983. It was therefore decided at that time to utilise the services of E.D.Packer as E.D.Letter Box Peon and that is how the job was re-distributed and the applicant has been called upon to discharge the duties of letter Box Peon and no other job than that. It has also been submitted by them that the applicant has been provided with departmental bicycle to discharge his duty and that being an E.D. his duty hours are less than 5 hours a

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day. For all these reasons they have found that the prayers made by the applicant are devoid of merit.

We have considered the rival claims. As the letter of appointment appointing him either as E.D. Packer or as E.D. letter Box Peon has not been produced before us, we are not in a position to say whether the appointment of the applicant was altered to his disadvantage and therefore, no relief on this count can be granted. However, with regard to his prayer for regularisation it is to be made clear that under the departmental rules clearcut instructions and guidelines have been laid down for providing promotional avenues to the E.D. Agents. By virtue of those instructions all E.D. Agents including Letter Box Peon/E.D. Packer are entitled to consideration for promotion to Group D cadre and/or to Postman cadre either on the basis of seniority cum fitness or on the basis of merit-cum-fitness according to their turn as well as the need for the Department. For ensuring transparency and orderliness in career progression of E.D. Agents the Department has also published seniority list in respect of all the E.D. Agents in respect of Sub-division/Division. In this view of the matter we do not see any justifiable reason for the applicant to feel disappointed and disgruntled that his promotion to the departmental cadre has been delayed and in any case, the ^{regularisation} concept of promotion to the departmental cadre is foreign to E.D. Agents, which by themselves form a separate entity.

Before we part with this case, we would like to give our consideration so far as payment of cycle allowance

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 to the applicant is concerned. Having regard to this aspect of the matter, we direct the Respondents to sympathetically consider the case of the applicant for cycle allowance and the ~~same~~ allowance be sanctioned in his favour if it is covered under the rules.

The O.A. is thus disposed of. No costs.

Copy of order
 off. 1.3.04 issued
 to the counsel
 for both side.

W.M.
 S.O.

12/3/04

John
 VICE-CHAIRMAN

John
 MEMBER (JUDICIAL)