

6

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 49 OF 2001
Cuttack this the 30th day of JAN. 2004

R.K.Mohapatra

...

Applicant(s)


-VERSUS-

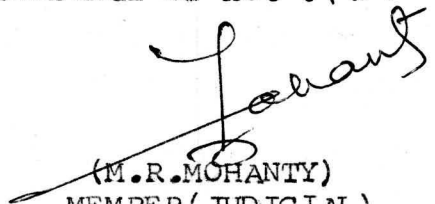
Union of India & Others

Respondent(s)

FOR INSTRUCTIONS

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


(N.D. DAYAL)
MEMBER (ADMN.)


(M.R. MOHANTY)
MEMBER (JUDICIAL)

2

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK
ORIGINAL APPLICATION NO. 49 OF 2001
Cuttack this the 30th day of JAN 2004

CORAM :

HON'BLE MR. M.R. MOHANTY, MEMBER(JUDICIAL)
HON'BLE MR. N.D. DAYAL, MEMBER(ADMINISTRATIVE)

Sri Raj Kishore Mohapatra,
S/o Sri Damodar Mohapatra,
vill/Post-Gaurangpur,
via-Raj Ranpur, Dist- Nayagarh

By the AdvocatesApplicant
M/s MPJ Ray
P.K. Padhi

-VERSUS-

1. Union of India represented by its
Chief Post Master General(Orissa Circle)
At/PO-Bhubaneswar, Dist.Khurda-751001
2. Sr. Superintendent of Post Offices,
Puri Division, At/PO/Dist-Puri; 752 001
3. Sub-Divisional Inspector(Postal)
Nayagarh East Sub-Division,
At/PO/Dist-Nayagarh

.....Respondents
By the Advocates Mr. B. Dash, A.S.C.

MR. N.D. DAYAL, MEMBER(ADMN.) O R D E R

The applicant in this Original Application was appointed as Extra Departmental Delivery Agent(for short E.D.D.A.) of Gourangpur Branch Office on 29.9.1977 in the absence of regular incumbent, who had been given the charge of Extra Departmental Branch Post Master(for short EDBPM) of that Branch Office. While continuing as E.D. D.A. he applied for the post of EDBPM, Gourangpur Branch Office and on being found suitable was appointed as such provisionally with effect from 20.12.1977 and continued in that job till 31.12.1979 when the original B.P.M. was reinstated on acquittal by the court.

Having thus worked as E.D.D.A. and E.D.B.P.M. from 29.9.1977 to 31.12.1979, subsequently the applicant joined as EDBPM, Gourangpur B.O. on 9.3.1981 once again on death of regular incumbent and continued to work there till 16.9.1983. Having thus worked for a total of nearly 5 years, the applicant represented on several

7

occasions to the authorities for absorption in any E.D. Post but in vain. According to the applicant, there are instances where persons with lesser number of days of service have been absorbed in various E.D. Posts. However, the applicant has not furnished any details in this regard.

2. Thus aggrieved the applicant has prayed that the Respondents be directed to appoint/absorb him in any E.D. Post in the Division and or to direct the Respondents to give weightage to the applicant in matter of selection. The learned counsel for the applicant has brought to our notice a judgment of this Tribunal dated 21.11.2003 in O.A.No.688/2002 on the same subject wherein the Tribunal, while allowing the application had taken note of the following instructions issued by the Department of Posts:

"Efforts should be made to give alternative employment to ED Agents who are appointed provisionally and subsequently discharged from service due to administrative reasons, if at the time of discharge they had put in not less than three years' continuous approved service. In such cases, their names should be included in the waiting list of ED Agents discharged from service, prescribed in D.G.,P&T letter No.43-4/77-Pen.,dated 23.2.1979."

3. In reply the respondents have stated that the applicant in the present case had rendered less than three years of continuous service with the Department and that is why the benefit of DG's instructions could not be extended to him.

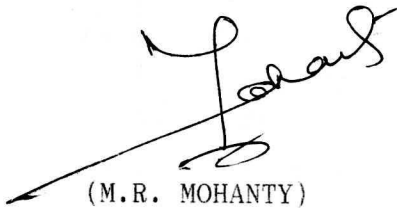
4. We find considerable force in the contention of the learned counsel for the respondents which is clear from a plain reading of the D.G's instructions. Further, no orders of the Government have been

brought to our notice which may provide for weightage to be given in the matter of selection to E.D. Posts for broken periods of service rendered in provisional capacity. We are, therefore, unable to agree to the relief sought for by the applicant. However, it would be open to him to apply for appointment against current/future vacancies in E.D. Posts that may arise in normal course and the Respondents would no doubt consider his case alongwith others on merit and in accordance with orders on the subject.

5. The application is dismissed leaving the parties to bear their own costs.


(N.D. DAYAL)

MEMBER (ADMN.)


(M.R. MOHANTY)

MEMBER (JUDICIAL)