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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 527 OF 2001
Cuttack this the 30th day of JAN 2004

Paramananda Bhoi

(Applicant)

VS

UNION OF INDIA & ORS

(Respondents)

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.


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


(M.R.MOHANTY)
MEMBER(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 527 of 2001
Cuttack this the 30th of January 2004

CORAM :

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

Paramananda Bhoi, G.D.S.B.P.M.,
S/O Late Kabiraj Bhoi,
vill/post-Mochida, via Panchagaon,
Dist.-Jharsuguda

.....Applicant
By the advocates : M/s P.K. Padhi
M.P.J. Ray

-VERSUS-

1. Union of India represented by its
Chief Post Master General (Orissa Circle)
At/PO-Bhubaneswar, Dist-Khurda-751001
2. Superintendent of Post Offices,
Sambalpur Division, At/PO/Dist-Sambalpur
.....Respondents

By the advocates : Mr. S. Behera, A.S.C.

O R D E R

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

The applicant in this Original Application was appointed as Extra Departmental Branch Post Master(in short EDBPM), Mochida Branch Office with effect from 1.4.1985 specifying that the employment of the applicant would be in the nature of a contract liable to be terminated and would be governed by the E.D. Agents(Conduct & Service) Rules, 1964. The vacancy had arisen because the original incumbent had been put off duty due to involvement in a savings bank fraud case. By order of the Hon'ble High Court of Orissa dated 13.9.2001, the original incumbent of the post was ordered to be reinstated and the Senior Superintendent of Post Offices, Sambalpur Division issued order accordingly on 25.10.2001. Thus having rendered a long service of 16 years in a non-regular capacity, the applicant ^{has} pleaded that his age for entry in Govt. service is over&keeping in view the fact that the Department of Posts have provided for giving alternative employment to those who have rendered not less than three years service, the Respondents should be directed to absorb/adjust him in the post of

GDSBPM, Kapilpur in account with Panchagaon S.O. and/or direct the Respondents to absorb him in any other nearby post of GDS. In his rejoinder he has brought to notice a specific request made by him later on 15.7.03 for the vacant post of BPM, Kudabaga.

2. We have heard the learned counsel for both parties and perused the pleadings. It is noticed that by interim order dated 9.11.2001, the respondents were restrained from filling up the post of EDBPM Kapilpur.

3. The learned counsel for the applicant has brought to our notice a judgment of this Tribunal dated 21.11.2003 in O.A.688/2002, wherein the Tribunal had allowed the application, inter alia, in view of the following instructions of 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 23.2.79."

4. From the reply filed by the respondents no satisfactory reasons appear to be forthcoming as to why despite his being eligible by virtue of continuous approved service for more than the requisite period the applicant's case was not considered in terms of the above orders of the Department of Posts to provide alternative employment as per rules. However, the respondents have pointed out that as per the interim order passed by the Tribunal in this application, the post of GDSBPM, Kapilpur B.O. is kept unfilled without appointing anybody

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 although 21 candidates had applied for that post. They have stated that the applicant's representation in this connection is being examined keeping in view also the instructions of the Department of Posts for providing him alternative employment.

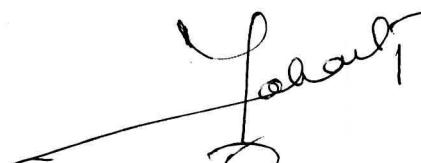
5. We are of the opinion that the applicant in this case has made out a valid case for consideration of his appointment under the existing instructions of the Department in cases of continuous approved service of not less than three years. The respondents are, therefore, directed to consider the case of the applicant for adjusting in the E.D. Post for which he has requested or in any other nearby post that is vacant at present or is likely to fall vacant in the immediate future, keeping his name on the waiting list until such absorption is finalised which in any case, shall be concluded and appointment order shall be issued within a period of four months from the date of communication of this order.

6. With the above direction, this O.A. is disposed of. No costs.



(N.D. DAYAL)

MEMBER (ADMN.)



(M.R. MOHANTY)

MEMBER (JUDICIAL)