

3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 190 OF 2003.
Cuttack, this the 28th day of April, 2003

Bhagirathi Sethi. Applicant

- Versus -

Union of India & Ors. Respondents.

FOR INSTRUCTIONS

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

Manoranjan Mohanty

(MANORANJAN MOHANTY)

MEMBER (JUDICIAL)

28/04/2003

9
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 190 OF 2003
Cuttack, this the 28th day of April, 2003.

CORAM:

THE HONOURABLE MR. MANORANJAN MOHANTY, MEMBER (JUDL.).

Bhagirathi Sethi, Aged about 54 years,
S/o. Late Kanhu Sethi, of Village-
Mirigimundi, P.O: Kaliامanta,
P.S: Ramchandrapur, Dist. Keonjhar,
Ex- E.D. Packer, Khaliamanta Post Office,
District-Keonjhar.

APPLICANT.

By legal practitioner: M/s. P.K. Rout, L.Bhuyan,
Advocates.

: VRS:

1. Union of India represented through
the Postmaster General, Orissa Circle,
Bhubaneswar, Orissa.

2. Director of postal Services,
Sambalpur Region, At/P.O./Dist: Sambalpur.

3. Superintendent of Posts,
Keonjhar, At/P.O./Dist: Keonjhar.

4. Sub-Divisional Inspector (Postal),
Anandapur Sub Division, Salapada,
Dist. Keonjhar.

RESPONDENTS.

By legal practitioner: Mr. A.K. Bese, Sr. Standing Counsel.

O R D E R

MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL):

None appears for the Applicant.

2. It appears that the Applicant was appointed as a

Packer of Khaliamanta Sub post Office in Extra Departmental

establishment during August, 1980; being appointed as such, under the direction of the Director of Postal Services, Sambalpur. In April, 1985, the Sub-post office, in question, was down-graded to that of a Branch Post Office and, as a result, the ED Packer post stood abolished. In the said premises, Applicant has lost his employment in the year 1985.

3. It is the case of the Applicant that he approached the authorities repeatedly to provide him alternate employment as ED Packer/EDDA/EDMC in order to maintain his big family, who are totally depending upon his income/allowances from the post of ED Packer. No heed having been paid to his grievances to provide him an alternate employment (although, DG P&T letter dated 08-08-1953, 12-04-1965 and 19-08-1978 requires to provide him an alternate employment/to keep his name in the waiting list to provide an alternate employment) the Applicant has filed this Original Application under section 19 of the Administrative Tribunals Act, 1985. It has also been pointed out in this Original Application that a post of ED Mail carrier has fallen vacant during recent past; as against which the Applicant can be given engagement in the Postal ED/GDS Organisation under the Respondents.

4. The Departmental instructions dated 03-08-1953, 12-04-1965 and 19-08-1978 are extracted below for a ready reference:-

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*19. GIVING ALTERNATE EMPLOYMENT TO ED AGENTS:-

(1) It has been decided that the ED Agents, whose services are to be dispensed with on departmentalization of their offices, may be provided for in other available extra-departmental posts if they are suitable and willing.

(D.G. P&T Letter No. 295-4/53, dated the 8th August, 1953)

(2) It has further been decided that if at the time of departmentalization of a particular office, it is not possible to provide the discharged ED Agents in a vacancy in the vicinity/neighbourhood of his residence, his name may be kept on the waiting list and he be offered the vacancy that may arise subsequently in the vicinity/neighbourhood of the place of his residence. If, however, the discharged ED Agent refuses to avail himself of this opportunity, no preference for further vacancies may be given to such an Agent.

It may also be mentioned in this connection that while the policy should be to provide discharged ED Agents with alternative employment near their original office, it should be ascertained from them, if they would be prepared to accept a job at some distance from their place of residence rather than waiting for a vacancy to occur near their home station.

(DG P&T Letter No. 43-24/64-Per, dated 12th April, 1965)

(3) These orders will also be applicable in cases where ED Agents are deprived of their employment because a post office has to be closed down (down-graded on account of being considered unremunerative as per Rule-568-A of P&T Manual, Volume-IV). It is requested that these instructions may be brought to the notice of all concerned.

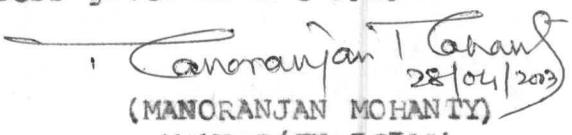
(DG P&T No. 27-3/77(PT), dated 19th August, 1978) *

5. In the above premises, it was the duty of the Department/Respondents to provide an alternate employment to the Applicant. Thus, it cannot be said that the Applicant has approached this Tribunal belatedly. *M*

6. In the said premises, without keeping this matter pending, this case is disposed of with direction to the Respondents to treat this O.A. to be a representation of the Applicant and to consider the plight of the poor Applicant to provide him an engagement as against any of the suitable vacancies by keeping in mind the fact that the Applicant while serving the Department for over five years gathered experience; as his disengagement/termination was because of a consequence of administrative action not attributable to the Applicant.

7. While parting with this case, I would like to observe that while down-grading the Sub-Post Office to that of a Branch Post Office, the Respondents ought to have taken steps to adjust the surplus EDAs against any of the vacancies according to the instructions issued by the D.G. P&T in letter No. 295-4/53 dated 8th August, 1953, Letter No. 43-24/64-Pen. dated 12th April, 1965 and letter No. 27-3/77/Pt. dated 19th August, 1978 (supra) and as such, in not acting as per the instructions of the highest authorities in the Department, the Respondents, now cannot say, after this long gap of time that alternate employment was not required; nor foreseen to be provided to the Applicant.

Send copies of this order alongwith paper book to the Respondents and free copies of this order be sent to the Applicant in the address given in the O.A.


Manoranjan Mohanty
28/04/2013
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)