

CENTRAL ADMINISTRATATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.147/2002

Cuttack, this the 22nd day of July, 2004

Smt. Gitarani Kar

Applicant(s)

Vrs.

Union of India & Others

Respondent(s)

FOR INSTRUCTIONS

(1) Whether it be referred to the Reporters or not? *NY*

(2) Whether it be circulated to all the Benches of the Central
Administrative Tribunal or not? *NY*

Suban
22/07/04

(M.R. MOHANTY)
MEMBER (JUDICIAL)

Suban
(B.N. SOM)
VICE-CHAIRMAN

CENTRAL ADMINISTRATATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.147/2002

Cuttack, this the 22nd day of July, 2004

CORAM:

HON'BLE SHRI B.N. SOM, VICE-CHAIRMAN
&
HON'BLE SHRI M.R. MOHANTY, MEMBER (J)

Gitarani Kar, aged about 27 years w/o Jitendra Kumar Panda, At/P.O. Dolagram Damodarpur, Via-Pritipur, Dist-Jajpur, Orissa.

.....Applicant.

By the Advocate(s) M/s D.R. Parida,
P.K. Nanda

-Vs-

1. Union of India, represented by its Secretary, Govt. of India, Ministry of Communications, New Delhi-110211.
2. Chief Post Master General, Orissa Circle, Bhubaneswar, Dist-Khurda.
3. Superintendent of Post Offices, Cuttack North Division, Cuttack-1
4. Assistant Superintendent of Post Offices, Jajpur, At/PO/Dist-Jajpur.

.....Respondent(s)

By the advocate(s) Mr. B. Dash, ASC

ORDER

SHRI B.N. SOM, VICE-CHAIRMAN: This O.A. has been filed by Smt. Gitarani Kar. She was aggrieved on account of her non selection to the post of Branch Post Master, Dolagram Damodarpur Branch Post Office, where she had worked for 331 days on account of the vacancy caused by the resignation of the earlier incumbent. Her case is that she possesses all the essential qualifications to hold the post. It is for this reasons she has submitted that the Respondents could not have ignored her appointment to the post either by way of regularization or absorption.

d

2. None appeared for the applicant when the matter was called nor there was any request for adjournment nor the applicant was present in person. However, Shri B. Dash, Ld. Additional Standing Counsel was present. This being a year old case of 2002 it was not possible to drag on the matter especially when neither the applicant nor her counsel is present. In the circumstances, we decided to hear the matter and read the records placed before us with aid and assistance of Shri B. Dash, Ld. A.S.C.

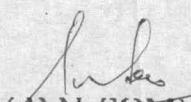
3. The Respondents have contested the application by filing a detailed counter. The facts of the case are not in dispute. The main plea of the applicant is that because she had worked in the post of EDBPM as substitute and gained experience, and she had other eligibility conditions also, she should have been regularized/absorbed. The Respondents, however, rebutted the same by replying on the Full Bench judgment of this Tribunal dated 18.11.99 that a person having worked as ED agent in substitute capacity cannot claim benefits from the same or reinforce their claim for regularization of their employment as ED agent on the ground that he/she has completed the requisite 240 days service as substitute agent and became eligible for such regularization. They have further drawn our attention to the decision of this Bench of the Tribunal in O.A. No.554/92 and 338/99 where we have held the same view that a substitute is not entitled to any

weightage for past service/experience for appointment against an ED post on regular basis.

4. However, the fact of the matter in this O.A. is ^{that} the vacancy was duly notified by the Respondents to the local Employment Exchange, Jajpur vide their letter dated 10.12.01 and also issued a public notification on the same date calling for applications. The applicant was also a candidate for the post and her case was duly considered but she could not come out successful in the competition as merit-wise ^{she was} she ranked lower than others and therefore, she could not be selected. Having regard to the above facts and circumstances of the case and law position in the matter of giving weightage to the past experience in employment, we have no hesitation in holding that this O.A. is devoid of merit and accordingly, it fails. No costs.


22/07/04
(M.R. MOHANTY)

MEMBER (JUDICIAL)


(B.N. SOM)
VICE-CHAIRMAN