



FORM No. - 4
Sec Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

COMMON SHEET

Application No. OA 228 of 2004
Applicant (s) Chiranjib Nair Respondent (s) Union of India
Advocate for Applicant (s) Mr. A. K. Das Advocate for Respondent(s) S. Pattanai
R. K. Biso
S. P. Reddy

NOTES OF THE REGISTRY

P.O. 2 to 30/10/04
Filed
For Registration
on memo

Dr.
Sp (J).

27/10/04

28.10.04

ORDERS OF THE TRIBUNAL

REGISTERED

28.10.04.
Dy. Registrar

1. ORDER DATED 28.10.2004.

Heard Mr. A. K. Das, Learned Counsel
appearing for the Applicant and Mr. J. K.
Nayak, Learned Additional Standing Counsel
for the Union of India; on whom a copy of
this Original Application has already been
served.

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NOTES OF THE REGISTRY

04 288/04

ORDERS OF THE TRIBUNAL

for Admission
order
(copy sent)

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2. By seeking the benefit of an employment on compassionate ground in favour of the Applicant, his father approached this Tribunal in O.A.No.762/1994; which was disposed of on 04-09-1995, with direction that the case of the Applicant is not covered by the existing Rules governing compassionate appointment in the Department. However, it was observed by this Tribunal that the case of the Applicant (along with others) shall be considered for the post of ED Packer of Patia Sub-Post Office and that, while doing so, the Respondents-Department should take into consideration his experience as substitute of his father in the post if and to the extent permissible under the Rules.

3. Having unsuccessful in his effort to be selected for the above said post and no heed having been paid to his requests for adjustment as a substitute employee, Applicant, again rushed to this Tribunal in O.A.No.271/2002; which was also disposed of on 01-05-2002, with direction to the Respondents to consider the case of the Applicant in view of his experience of 570 days in the Postal Department/Extra Departmental Organisation.

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O.A.No. 888/2004

Contd.,...order dated 28.10.2004.

4. No heed having been paid to the repeated requests of the Applicant (and direction/observation of this Tribunal) he has, again, come up in the present Original Application seeking a direction to the Respondents to appoint him as against one of the vacancies that has been pointed out in the present Original Application.

5. Law, by now, is well settled that a substitute has no right to get a regular appointment per-se. However, taking into consideration the Government of India, Department of Posts Letter No. 65-24/88-SPB.I dated 17th May, 1989, the Division Bench of this Tribunal in O.A.No. 146 of 2003 (that was disposed of on 06.10.2004) of Kunnum Mohanty Vrs. Union of India and others, have observed as under:-

"Aforesaid submission of the learned Counsel for the Applicant touches the policy matter of the Government and this Tribunal, in our considered view, should go slow in giving any direction to the Government in that regard. However, while parting with this case we leave the matter to the Government in Department of posts to explore the possibility of providing/ making a scheme so that the substitutes in extra Departmental Organisation of the Postal Department can get a chance to be recruited"

Contd...

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with some relaxation in GDS establishment".

(emphasis supplied)

6. The Postal Department having provided (under DG's letter No. 65-24/88-SPB.I dated 17th May, 1989) a channel of recruitment (as Gr. 'D' employee) ~~for~~ substitutes in regular establishment, this Tribunal has felt in the case of Kummum Mohanty (supra) to ask the Department to provide a channel of recruitment (in Extra Departmental/GDS Organisation) for those who gathered experience as substitute.

7. In the aforesaid premises, this Original Application is disposed of with a direction to the Respondents to examine the case of the Applicant in light of the circulars of the Department of Posts of Government of India dated 17th May, 1989 and the observations quoted above, to render substantial justice to the Applicant. No costs.

Send copies of this order alongwith

copies of the O.A. and free copies of this order be given to learned counsel for both sides.

Member (Judicial)

Copy of current
at 28.10.04
Copy of 28.10.04 may
be sent to all
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Member (Judicial)