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O.A.No. 51 of 2007

Nirakar Swain

....

Applicant

Vs.

Union of India & Ors.

....

Respondents

Order dated: 04.03.2008.

C O R A M:

THE HON'BLE MR.M.R.MOHANTY, VICE-CHAIRMAN

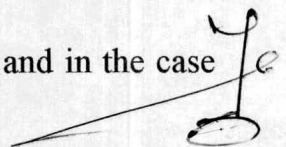
A n d

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER(A)

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Applicant's father was an employee of the Postal Department, working as Extra Departmental Sub Post Master. Applicant worked as substitute during the tenure of his father for some time in different spells. He represented to the Respondents to get some preferential treatment for the reason of the experience gained by him as a substitute Post master. The said prayer having been turned down by the Respondent-Department, he has filed the present Original Application u/s.19 of the Administrative Tribunals Act, 1985.

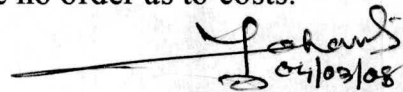
2. Government of India, Department of Posts letter No. 65-24/88-SPB.I dated 17<sup>th</sup> May, 1989 recognizes substitutes for the purpose of recruitment to Gr. D post; in absence of casual labourers. Keeping the said circular/letter dated 17<sup>th</sup> May, 1989 in mind, direction was issued to the Respondent-Department in the case of Kunmum Mohanty v Union o India and others (OA No. 146 of 2003 disposed of on 06.10.2004) and in the case



of Chiranjibi Naik v Union of India and Others (reported in (2005) 1 ATT (CAT) 111) to examine the case of the Applicants therein in the light of the DGP&T Circular/letter dated 17<sup>th</sup> May, 1989. Respondent-Department was also asked to provide a channel of recruitment to Gr. D post from amongst the substitutes.

3. In the aforesaid premises, instead of rejecting the prayer of Applicant out right, the Respondent-Department ought to have considered the case of present applicant in the light of the Circular/Letter of the DGP&T dated 17<sup>th</sup> May, 1989 for recruitment to Gr. D post. Since, there has been no consideration of the case of Applicant in its proper perspective, we dispose of this case with direction to the Respondents to re-examine the case of Applicant to provide an employment in the light circular/letter of the DGP&T dated 17<sup>th</sup> May, 1989 and the decisions rendered in the cases of Kunnum & Chiranjibi (supra). There shall be no order as to costs.

  
(C.R. MOHAPATRA)  
MEMBER (ADMN.)

  
(M.R. MOHANTY)  
VICE-CHAIRMAN

KNM/PS.