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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

**ORIGINAL APPLICATION No. 329 of 2009**

Cuttack this the 26<sup>th</sup> Day of July, 2011

CORAM:

HON'BLE SHRI C.R.MOHAPATRA, ADMINISTRATIVE MEMBER  
AND  
HON'BLE SHRI A.K.PATNAIK, JUDICIAL MEMBER

Antaryami Beero, aged about 42 years, S/o.Gajendra, Village/PO-Rayagada, Dist-Gajapati, serving under the Postal Department as G.D.S./M.C.

...Applicant

By the Advocates:M/s.Bharati Dash, Rita Singh & Mahendra Behera

1. Union of India represented through the Director General of Post, Dak Bhawan, Sansad Marg, New Delhi-110 001
2. Chief Post Master General, Orissa Circle, Bhubaneswar, Dist-Khurda
3. Inspector of Posts, Paralakhemundi, Dist-Gajapati
4. The Postmaster, Paralakhemundi H.O., At/PO-Paralakhemundi, Dist-Gajapati
5. The Superintendent of Post Offices, Berhampur Division, Dist-Ganjam

...Respondents

By the Advocates:P.R.Jiban Dash for the Respondents

**ORDER**

**HON'BLE SHRI A.K.PATNAIK, JUDICIAL MEMBER:**

1. The Applicant has filed this Original Application under section 19 of the A.T. Act, 1985 with a prayer to direct the Respondent No.3 to consider his case for regular appointment in the post of Extra Departmental (G.D.S) taking into consideration his past working experience in different Branch Post Offices. Although Respondents in their counter admit the working of the applicant as GDS employee from 2004-2006 but it has been stated in the counter that neither the Applicant was appointed permanently nor was he appointed provisionally but he was only engaged to discharge the duties of the GDS (MC) during the leave vacancy of his father on the sole responsibility of the later as per the clause of terms and conditions laid down in Rule-7 of GDS (Conduct & Employment) Rules 2001. Therefore he was allowed to work with intermittent break and that since the engagement of the applicant was not

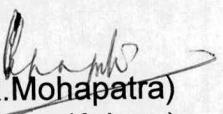
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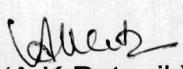
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through regular process of selection but as a substitute in place of his father and as a substitute he has no right to claim regular appointment irrespective of his engagement. On this ground the Respondents have taken the stand that the Applicant is not entitled to the relief claimed in this OA.

2. Applicant has filed rejoinder more or less reiterating his stand taken in the OA.

3. We have heard Learned Counsel for both sides and perused the materials placed on record. At the outset, it has been stated by Mrs. Bharati Dash the Learned Counsel for the Applicant that the authorities/Respondents are competent to condone any of the provisions while dispensing justice and, therefore, with such hope the applicant through various representations requested for consideration of his case by highlighting his working experience in different Branch Post Offices in different spells vis-à-vis the vacancy due to retirement of the regular incumbent. But he has received no reply from the authorities on his representations. Hence it was prayed that a direction may be issued to the Respondents to consider and dispose of the representation of the applicant at Annexure-A/3. On the otherhand, Mr. P.R.Jeevan Dash the learned Counsel appearing for the Respondents rightly did not raise any serious objection on the above suggestion of the Applicant's counsel. Considering the rival submissions of Learned Counsel for both sides, this OA is disposed of with direction to the Respondent No. 3 to consider and dispose of the representation of the Applicant at Annexure-A/3 and communicate the result thereof in a well reasoned order to the Applicant within a period of 60 days from the date of receipt of copy of this order.

  
(C.R. Mohapatra)  
Member (Admn.)

  
(A.K. Patnaik)  
Member (Judl.)