

V
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00969 OF 2016
Cuttack, this the 20th day of February, 2017

CORAM
HON'BLE MR. R. C. MISRA, MEMBER (A)

Muktilata Tirkey, aged about 46 years, D/o-Francis Tirkey, At-Gaibra, P.O-Subdega, P.S- Talsara, Dist-Sundargarh, Presently resides at C/35, Sector-3, Rourkela, Dist-Sundargarh, 769002.

...Applicant
(By the Advocate-M/s. D. P. Dhalsamant, N. M. Rout)

-VERSUS-

Union of India Represented through

1. Director General of Posts, Govt. of India, Ministry of Communication, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi-110001.
2. Chief Post Master General, Orissa Circle, Bhubaneswar, Dist-Khurda-751001.
3. Post Master General, Sambalpur Region, At/PO/Dist-Sambalpur-768001.
4. Senior Superintendent of Post Offices, Sundargarh Division, At/PO/Dist-Sundargarh.
5. Assistant Superintendent of Post Offices, Rourkela East Sub-Division, Rourkela, Dist-Sundargarh.

...Respondents

By the Advocate- (Mr. C. M. Singh)

...

O R D E R

R.C.MISRA, MEMBER (ADMN.):

Heard Mr. D.P.Dhalsamant, Ld. Counsel for the applicant, Mr. C.M.Singh, Ld. Addl. Central Govt. Standing Counsel appearing for Respondents-Department of Posts, on whom a copy of this O.A. has already been served.

2. Ld. Counsel for the applicant submitted that the applicant belongs to ST Community of the remote tribal of Sundargarh district and



had passed +2 examination. In the year 2000 the applicant was engaged as a substitute in place of a regular employee in Panposh Road Sub Post Office up to the year 2008. The applicant also worked on daily wage basis at Uditnagar H.O. in a vacant Group-D post from the year 2001 to 2014. Then in the vacant post of GDS MD/MC, Lohanda B.O, ~~The~~ ^{is} applicant was temporarily ordered to work vide an order dated 02.06.2014. The applicant was also given provisional appointment from 03.09.2014 to 01.12.2014 and subsequently, by an order dated 10.06.2015, the applicant was appointed on a temporary basis from 01.07.2015 to 27.09.2015 or till regular appointment is made, whichever period ~~of~~ ^{is} shorter. Her grievance is that although the post has not been filed up in regular basis so far but she was not allowed to work further against this post and the work was managed by engaging an outsider. It is submitted by the Ld. Counsel for the applicant that the applicant submitted a representation to the Respondent No.5 on 02.11.2015 making a prayer therein that the applicant being a ST unmarried lady she may be engaged in any post under the administrative jurisdiction of the Respondent No.5. Her representation has not been disposed of so far and, therefore, she has approached the Tribunal making a prayer that her services may be regularized in the post of GDS MD/MC at Lohanda B.O. in Sundargarh district.

3. Mr C.M.Singh, Ld. ACGSC, arguing on behalf of the Respondents-department has, on the other hand, submitted that even though an averment has been made by the applicant that she made a representation to Respondent No. 5, ~~is~~ Sr. Suptd. of Post Offices,

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Sundargarh Division, in a letter dated 16.02.2017 ~~Respondent No. 4~~ has submitted that no such representation dated 15.10.2015 was received by the Assistant Suptd. of Post Offices-IC of East Sub Division, Rourkela-11 from the applicant. It is further intimated that presently this post at Lohanda B.O. in account with Jhirpani S.O. is being managed by other GDS officials.

4. Although the applicant has submitted in the O.A. that she has made representation, the Ld. Counsel for the Respondents contests such submission of the applicant. If the applicant has actually not given any representation ventilating her grievance then it can be said easily that she has not utilized the departmental remedy available to her. Secondly, even though from the record it is found that the applicant was given provisional appointment from time to time, such appointment cannot be a basis for regular appointment to be conferred on the applicant. Every regular appointment in the Government department has to be made under the rules and regulations of recruitment made in that behalf. The prayer of the applicant for regular appointment has to be considered under the policy of recruitment by the concerned department. However, it appears from the orders of the provisional appointment issued in favour of the applicant that appointment was given to her until a particular date or till regular appointment is made, whichever period is shorter. The instruction brought by the Ld. ACGSC, Mr. Singh, is that this post has not been filled so far on a regular basis. In this regard, Ld. Counsel for the applicant has also submitted that the applicant is pressing for being

appointed even provisionally for doing work in the department if such work is available.

5. Considering the fact that the applicant has been engaged from the year 2009 on daily wage or on provisional basis from time to time Respondents-department could consider the prayer of the applicant based upon a representation to be made on this behalf to the department.

The Respondents have clearly stated that there was no representation made by the applicant as claimed by her. Therefore, the applicant is allowed to file a representation within a period of two weeks from today to the Respondent No.4, i.e. Sr. Suptd. of Post Offices, Sundargarh Division, ventilating her grievances and if such a representation is filed, the Respondent No.4 will do well to dispose of the representation within a period of four weeks from the date of receipt of such representation communicating his decision in a reasoned order to the applicant in this O.A. It is clarified that I have not gone into the merits of this O.A.

6. With the aforesaid observation and direction, the O.A. is disposed of at the stage of admission itself. No costs.

7. Copy of this order, along with paper book, be communicated to Resp. Nos. 4 and 5 by Speed Post at the cost of the applicant for which postal requisites may be filed by 23.01.2017.

8. Copy of this order be given to the Ld. Counsels for both the sides as per rules.


(R.C.MISRA)
MEMBER (A)