

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH  
CALCUTTA**

O.A. 31 of 1996

Date of order : 15.12.05

**Present : Hon'ble Mr. B.N. Som, Vice-Chairman.  
Hon'ble Mr. B.V. Rao, Judicial Member.**

**Kunal Acharya**

**- Versus -**

**Union of India and Ors.  
(Post)**

**For the applicant : Mr. T.K. Bhattacharjee, counsel.**

**For the respondents : Mr. M.S. Banerjee, counsel.  
Mr. S. Pal, counsel (for respdt. No.8)**

**ORDER**

**Per Mr. B.N. Som, Vice-Chairman.**

The applicant in this O.A. has prayed for a direction to be issued to the respondents to absorb him in the post of Extra Departmental Mail Carrier (EDMC) in any Branch Post Office in the District of Burdwan and to regularize his service as substitute in Balgona Sub Post Office in the post of EDMC or any post under Sr. Superintendent of Burdwan District.

2. The applicant claims to have worked at Balgona Branch Post Office as EDMC from 14.4.1982 to February 1995. He has alleged that although the respondents regularly filled up the post by issuing a public notice in which he also participated, but at the time of selection no weightage was given to him in view of his past long years of experience of working in the department. On the

other hand, they selected respondent No. 8 who had never earlier worked in the post office.

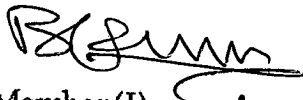
3. The respondents in the reply have not disputed the facts of the case. They have, however, denied that any injustice was done to the applicant. Since it is a matter of filling up of post of EDMC Balgona Branch Post Office, they had followed the rules/procedures prescribed for this purpose and selected respondent No. 8 strictly on merit. They have also stated that the applicant had worked as substitute in the leave vacancy of the regular incumbent of the post of EDMC Balgona Branch Post Office during 1982-95 as a substitute in place of his elder brother one Sri Biswanath Acharya, who was the regular incumbent of the post. They also have submitted that in terms of the rule governing employment/service conditions of extra departmental employees, a substitute is engaged by a regular incumbent at his own risk and responsibility while proceeding on leave. The department does not have any liability with regard to the substitute.

4. Having heard both parties and having regard to the rules governing employment of ED Agent as enshrined under the statutory rules, <sup>we hold that the</sup> substitute has no legal right to claim appointment nor there is any provision for granting weightage for past service since the matter relates to the employment of ED Agent and this is the settled law.

5. As the applicant could not come out successful in the selection process held in the year 1995 he cannot have any grievance to ventilate. Further, there is

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no provision for regularization/absorption of either of a temporary ED agent or a substitute in the rules governing employment of ED agent, and, therefore, the prayer made by the applicant in the O.A. is misconceived. The O.A. also suffers from the vice of seeking plural remedy on which ground also it is liable to be dismissed. We order accordingly.

  
Member (J)

  
Vice Chairman (A)