

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 898 of 1996

Present: Hon'ble Ms. S. Srivastava, Judicial Member
Hon'ble Dr. A.R. Basu, Administrative Member

TARA SHANKAR BHATTACHARJEE

VS

UNION OF INDIA & ORS.

For the applicant : Mr. S.K. Dutta, counsel

For the respondents : Mr. A.K. Dutta, counsel

Heard on : 5.12.06

Order on : 8.12.06

O R D E R

S. Srivastava, JM

The applicant prays to re-engage him as Extra Departmental Stamp Vendor (in short EDSV) at Treasury Building Post Office and to regularize him as EDSV or in the alternative to absorb him against any other equivalent post.

2. The allegation in the application is that the applicant had worked as a substitute from 14.7.88 to 28.12.95 as EDSV. Earlier the applicant had filed an OA No. 376/93 for the same relief. The said OA was decided vide order dated 23.6.93 (Annexure A/5). This Tribunal passed an order to this effect in the above mentioned case :

“If any further vacancy arises, the applicant will be at liberty to apply for the same, and the respondents will consider his application on merits”.

3. The applicant did not challenge the aforesaid judgment in the higher forum. Consequently, it has attained finality. We cannot sit in appeal nor can review it. The legal position is that no claim can be laid by a substitute that he has worked for 180 days continuously. However, if one has worked for long period continuously, his case could be appropriately considered by the department for absorption. This is the law laid down by Hon'ble Supreme Court in the case of Union of India & Ors. –vs- Devika Guha & Ors.

[JT 2000(7) SC 473].



4. On facts we do not find any material to enable us to pass an order in favour of the applicant. The respondents have clearly stated in their reply that the applicant has never worked for more than 90 days at any one time. No rejoinder has been filed nor the applicant has provided us if he has worked for 180 days or more continuously at any point of time. Thus we have no reason to hold that the applicant has worked continuously for long period. In the circumstances, we do not find any ground to grant further relief. We adopt the same relief already granted to the applicant vide OA No. 376/93 decided on 23.6.93.

5. The OA is disposed of with a direction as follows :

The respondents will consider the candidature of the applicant on merits, if and when, he applies for appointment to any vacancy arising in future.

6 There will be no order as to costs.


D. Johnson


S. Sankararao
MEMBER(J)

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