

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

NO. O.A. 1409 of 1996

Date of Order : 17.09.04

PRESENT: HON'BLE MR. D.C. VERMA, VICE CHAIRMAN
HON'BLE MR. SARWESHWAR JHA, MEMBER (A)

For the applicant : Mr. A. Chakraborty
Ms. S. Chatterjee

For the respondents : Mr. S.K. Dutta

Tara Sankar Bera
Son of Rebati Bhushan Bera,
working as Extra Departmental Mail Carrier,
Post Office - Changur-Dhania
under Haria Sub Office,
since 2nd April, 1996

.... Applicant

Versus

1. Union of India,
Through the Secretary, Department of Posts,
Government of India, New Delhi - 110 001
2. Post Master General, Howrah Region,
Jogayog Bhavan, C.R. Avenue,
Calcutta - 700 012
3. Superintendent of PostOffice,
Contai Sub-Division,
Distt : Midnapore
4. Sub-Divisional Inspector of Contai
Post Office - Contai, Distt. Midnapore
5. Branch Post Master of Chingurdania Post Office
under Haria Sub-Office in Contai Division
Midnapore

.... Respondents

O R D E R

PER SARWESHWAR JHA, MEMBER (A) :

1. In this OA the applicant has prayed for directions being given to the respondents to absorb him in the present post of E.D.M.C. at Chingurdania Post Office under Haria Sub Office in Contai Sub Division and also to release his salary from the 2nd April, 1996 onwards.

2. The facts of the matter, briefly, are that the applicant has claimed that he worked as a leave substitute of the regular incumbent of the post of E.D.M.C. Chingurdania B.O. in a/c with Haria under Contai Postal Division from

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22.5.1995 to 31.3.1996 and in the process acquired experience as E.D.M.C. of the said Post Office. The said post fell vacant on 1.4.1996 and the authorities concerned were required to make provisional arrangement to perform the duties attached to the said post. The applicant was appointed to perform the duties of Mail Conveyance on 2.4.1996 on casual basis as a daily rated staff and he joined the said post on the said date. His grievance is that the Divisional Inspector of Contai 2nd Sub Division Region is not taking any step to approve the said arrangement. He has accordingly represented to the said authority several times for payment of his wages from the said date, but the same have not borne any fruit. A reference has also been made to a detailed report having been sent by the Post Master of the said Post Office to the Superintendent of Post Offices Contai on 28.9.1996. He has been given to understand by the Office of the Superintendent of Post Offices that directions have been given to the Sub Divisional Inspector of Post Offices to arrange immediate payment of wages due and admissible to him as DRM. The applicant has also claimed that he has acquired the right for regular appointment to the post of Mail Carrier Chingurdania Post Office and it would, therefore, be an illegal attempt on the part of the respondents to make an attempt to dispense with his services as Mail Carrier.

3. The respondents, however, have not corroborated the facts as submitted by the applicant and have, instead, submitted that the applicant happened to be working in the said Post Office in assistance to one Shri Saroj Kumar Bera who, in consequence of the retirement of the E.D.M.C. Chingurdania Post Office on 30.3.1996, was directed to perform the duties of the said post w.e.f. 31.3.1996

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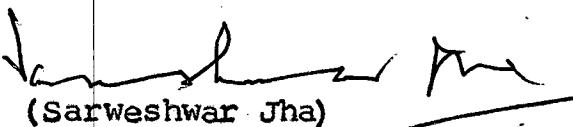
in addition to his own duties by the Sub Divisional Inspector, Contai 2nd Sub Division vide Memo dated 25.3.1996 (Annexure R-II), who is the appointing authority to the said post of E.D.M.C. The act of Shri Saroj Kumar Bera to have engaged the applicant, who is one of his relatives, as his substitute was a purely private arrangement made by him without any approval of the competent authority. This arrangement, however, was dis-continued by the departmental authorities, as it was without any authority and as such it was irregular. With this Shri Saroj Kumar Bera again took over the charge of the post of E.D.M.C. Chingurdania as per the instructions of the Sub Divisional Inspector, Contai 2nd Sub Division on 19.11.1996. A copy of the charge report is placed at Annexure R-I to the reply of the respondents. The respondents have affirmed that the applicant was never appointed as E.D.M.C. by them and he was never paid any salary. The respondents, in view of the fact that the arrangement of engaging the applicant was purely a private act on the part of Shri Saroj Kumar Bera and as such the applicant had no locus standi, did not consider his representation regarding payment of remuneration to him or for his engagement being continued. In any case, the arrangement made by Shri Saroj Kumar Bera (Respondent No.5) had been dis-continued w.e.f. 19.11.1996.

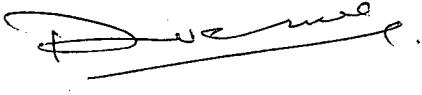
4. On careful examination of the facts as submitted by both the parties and keeping in view the fact that the applicant had been engaged by Respondent No.5

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purely at his level with no authority from the respondents and also that he has since taken over the duties of the post which had been assigned to the applicant, we find that the applicant, who is a relative of Respondent No.5, has no basis to seek the reliefs as prayed for in this Original Application.

5. Having regard to the above, we thus do not find any merit in the present OA and, accordingly, it is dismissed. No costs.


(Sarweshwar Jha)
Member (A)


(D.C. Verma)
Vice Chairman

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