

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No. OA 150 of 96

Present : Hon'ble Mr. Justice R.N.Ray, Vice-Chairman

Hon'ble Mr. B.P.Singh, Administrative Member

MD.RAFIQUE AHMED

VS

UNION OF INDIA & ORS.

For the applicant : Mr.N.Bhattacharjee, counsel

For the respondents: Ms.U.Sanyal, counsel

Heard on : 7.3.2001

Order on : 21-03-2001

O R D E R

R.N.Ray, VC

The OA has been filed by the applicant on the facts and grounds stated in the OA for direction to the respondents to appoint the applicant in one of the vacant post of ED Stamp Vendor, Kalakar Street P.O. and in case there is no such vacancy to appoint the applicant as ED Agent in any available vacancy or in the next available vacancy in preference to outsiders in respondent No.4. It is the case of the applicant that the applicant was appointed as EDSV, Kalakar Street P.O. by Asstt. Supdt. of P.O., North Calcutta, 1st Sub-Division vide his memo No;B-6/ED/Appointment/95 dated 28.2.95 (copy is marked as Annexure A/1). The applicant joined the post of EDSV, Kalakar Street P.O. on 1.3.95 and he submitted Fidelity Bond of Rs.2000/- issued by Postal Co-operative & Credit Society, GPO Building, Calcutta -1 valid upto 26.2.96. The applicant was relieved from the post of ED Stamp Vendor Kalakar Street P.O. by Smt.Shila Das on 16.4.95. The applicant was again appointed as ED Stamp Vendor on 3.5.95 and continued upto 1.8.95. Details of his engagement more or less admitted by either side is in paragraph 8 of the reply and they have admitted in

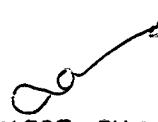
the paragraph 8 of the reply that the applicant worked as substitute of original E.D. incumbent for 227 days in 1993, 344 days in 1994 and 59 days in 1995.

2. The application has been contested by the respondents by filing a written reply where it has been contended that the applicant was engaged purely on temporary basis as a stop-gap arrangement and he was required to file security bond from time to time for the period covered by the security bond. It has been contended that the applicant cannot have any right to claim absorption and has prayed for dismissal of this OA.

3. We have duly considered the submissions made by both the counsel. We have perused the judgment passed by the Hon'ble Apex Court in Civil Appeal No.3080 of 2000 arising out of Special Leave Petition(C) No.12309 of 97 (Union of India & Ors. -vs- Debika Guha & Ors.), wherein the Hon'ble Apex Court has held that the respondents should consider such type of applicants for regularisation in any ~~available~~ <sup>300</sup> post which is available under the respondents.

4. Accordingly, we dispose of the OA in terms of the judgment referred to above, with a direction upon the applicant to submit a representation along with the copy of this order to the respondent No.3 with a copy of the same to the respondent No.4 within a fortnight from this date. In that event the respondent No.3 shall have to dispose of the same with a speaking order within 2 months from the date of receipt of the same and while disposing of such representation, the respondents should consider the decision of the Hon'ble Apex Court as the applicant has rendered service under the respondents for a suitable period. With this direction the OA is finally disposed of without any order as to costs.

J. N. S. M.  
MEMBER (A) 21032001

  
VICE-CHAIRMAN