

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.OA 545 of 97

Date of order : 22.12.2004

Present : Hon'ble Mr.Mukesh Kumar Gupta, Judicial Member
Hon'ble Mr.M.K.Mishra, Administrative Member

A. SARKAR & ANR.

VS

UNION OF INDIA & ORS.

For the applicants : None

For the respondents: None

O R D E R (ORAL)

Mukesh Kumar Gupta, J.M.

None appears for the parties. The applicants were put to notice on 24.6.04 to engage counsel of his choice to defend his case or appear in person to argue as their previous counsel has expired during the pendency of the case. The date was fixed on 13.9.04. On that date also the applicants did not appear and as such the matter was adjourned till today. Since today also none appears for the applicants it is presumed that they have no interest left to pursue the case.

2. On merits we find two applicants in this OA seek direction to regularise them in the post of Postman and to set aside the order dated 30.4.97 as well as direction to the respondents not to disengage them from their casual service during the pendency of the present application.

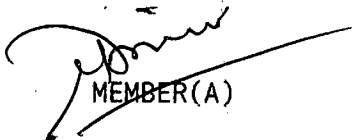
3. The respondents in their reply contested the application and stated that on 20.3.97 two new posts of Postman at Panchasayar S.O. was created/sanctioned and as per the rules the same were required to be filled up from the qualified candidates. Since the respondents No. 5 & 6 came out successful in the examination held on 22.9.96, order dated 30.4.97 appointing them was issued. The applicants who were engaged on daily wage cannot appear in the examination held for Postman nor they have any right to claim regularisation. They were engaged on said basis w.e.f. 8.11.95 to pull up the additional work and as such they have no legal and vested right for regularisation.

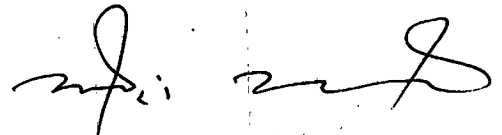
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4. On perusal of the pleadings available on record, we find that the application has no substance in as much as the applicants have no legal and vested right to claim regularisation or appointment/absorption in the post of Postman.

5. In view of the above the application is dismissed. No order as to costs.


MEMBER(A)
in


MEMBER(J)