

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 494 of 1999

Monday, this the 30th day of July, 2001

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER
HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. C.S. Gopalankutty,
S/o Krishnankutty Nair,
Srampikal House, Pombra PO,
Karakurissi, Palakkad Dt.Applicant

[By Advocate Mr. Johnson Manayani (rep.)]

Versus

1. The Superintendent of Post Offices,
Ottapalam Division, Ottapalam PO.
2. The Sub Divisional Inspector,
Mannarkkad Sub Division, Mannarkkad PO.
3. Post Master General,
Northern Region, Calicut.Respondents

[By Advocate Ms. Rajeswari A, ACGSC]

The application having been heard on 30-7-2001, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

The applicant seeks to quash A8, to direct the
respondents to give alternate employment to him as Extra
Departmental Delivery Agent under the 1st respondent, to
declare that he is entitled for alternate employment as an
Extra Departmental Delivery Agent under the 1st respondent and
to direct the 1st respondent to appoint him as an Extra
Departmental Delivery Agent and also not to fill up future
vacancies of Extra Departmental vacancies arising under the 1st
respondent till he is appointed in one of the vacancies.

2. The applicant was working as an Extra Departmental Delivery Agent (EDDA for short) on various occasions. He has got more than five years experience as EDDA under the 1st respondent. In the year 1980 he worked as EDDA at Pombra post office for more than a couple of years. He then worked at Elamblassery post office for six months. He also worked for three months at Valiyapuram post office. For three months he worked at Pazhembram post office. At Mannarkad post office he is having three months extra departmental service. At Kottapuram Branch post office as an Extra Departmental Agent he worked from 20-2-1995 to 8-4-1996. At Kottapuram Branch post office he worked from 16-12-1997 to 7-4-1998. He submitted a representation for alternate employment. That was rejected as per A8, the impugned order. A8 is illegal.

3. Respondents resist the OA contending that the applicant makes a vague claim regarding the period, excepting A2 and A3, without mentioning the exact period of his engagement, the office where he worked and other details. The applicant worked at Elumbulassery post office when the regular incumbent availed leave. The applicant was on a substitute there. In the case of retrenchment of provisionally appointed EDAs who have worked for more than three years are covered by R1. The applicant does not have the minimum period of three years service. There are no post offices named Valiyapuram and Pazhembram under the jurisdiction of 1st and 2nd respondents.

4. A1 shows that the applicant took charge on 16-10-1989. The learned counsel appearing for the respondents submitted that as per A1 the applicant was engaged only as a substitute. This is not disputed. As per A2 and A3, the applicant was

given provisional appointment as EDDA at Pombra and Kottapuram.

It is pertinent to note that the applicant does not say for how long he worked on the basis of A1.

5. Respondents have categorically stated the number of days worked by the applicant. According to respondents, the applicant has worked as per A1 only for 6 days. As per A2 for 59 days and as per A3 for 170 days. According to respondents, the period covered by A1 is only as a substitute. So, as EDDA the applicant has worked only for a period of 170+59 days. Though the applicant says that he has worked for more than five years altogether, there is no document in support of the same. An averment cannot be substitute for proof. R1 letter of the DG Posts dated 18-5-1979 says that efforts should be made to give alternative employment to ED Agents who are appointed provisionally and subsequently discharged from service due to administrative reasons, if at the time of discharge they had put in not less than three years' service. There is absolutely no material to show that the applicant has put in not less than three years of service. That being so, the stand taken by the department in A8 cannot be faulted with. In that case, the applicant is not entitled to get alternative employment as an EDDA.

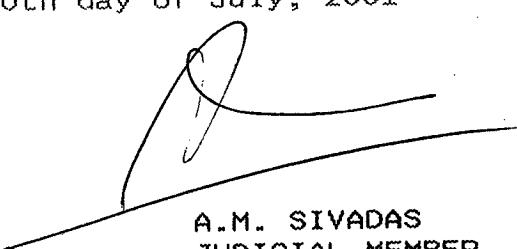
6. Accordingly, the Original Application is dismissed. No costs.

Monday, this the 30th day of July, 2001



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER

ak.



A.M. SIVADAS
JUDICIAL MEMBER

List of Annexure referred to in this order:

1. A1 True copy of the charge report and receipt for cash and statement on transfer of charge dated 16-10-1989.
2. A2 True copy of the appointment order of the applicant as provisional extra departmental delivery agent at Pombra post office No. DA-II/DO/Pombra dated 11-1-93.
3. A3 True copy of the appointment order issued by the 2nd respondent dated 20-10-1995 No. DA-II/EEDP/17.
4. A8 True copy of the order of the 1st respondent dated 8-9-1998 bearing Memo No. B3/CAT/5/98.
5. R1 True copy of the letter No. 43-4/77-Pen dated 18-5-1979 of Director General, Posts.