

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 56/2002.

Tuesday this the 22nd day of January 2002.

CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

Thulaseedharan Pillai C.R.,
Chaluvila Vadakkathil,
Erumpanangad P.O., Ezhukone,
Kollam District. Applicant

(By Advocate S/Shri MK Chandramohan Das & CS Manilal)
Vs.

1. Union of India, represented by the Secretary, Department of Posts, New Delhi.

2. The Senior Superintendent of Post Offices, Kollam Division, Kollam. Respondents

(By Advocate Shri T.A.Unnikrishnan, ACGSC)

The application having been heard on 22nd January 2002 the Tribunal on the same day delivered the following:

○ R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant who had been engaged as a substitute Extra Departmental Delivery Agent has filed this application seeking to set aside A-5 order dated 11.12.2001 of the Senior Superintendent of Post Offices, Kollam turning down his request for absorption as ED agent on the ground that he was engaged only as a substitute of ED Agent and therefore he is not entitled to any such right. It is alleged in the application that as the applicant has completed more than 240 days' of service as a substitute, in terms of A-2 circular dated 24.1.2001 the applicant as substitute is entitled for weightage for appointment in ED post. It is further stated that in terms of the instructions contained in letter dated 17.5.89 (A-6) of the DG Posts, substitutes are to be considered for appointment

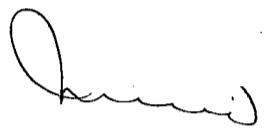
in Group 'D' post when casual labourers are not available for appointment against a Group 'D' post and therefore, the stand taken by the 2nd respondent is against the instructions contained in A-6. With these allegations, the applicant seeks to set aside the impugned order A-5 and for a direction to the respondents to regularise the service of the applicant in view of the fact that he has completed 240 days of continuous employment as substitute ED Agent.

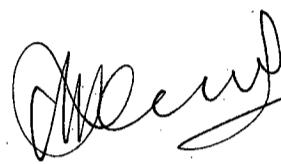
2. We have heard Shri Chandramohandas, learned counsel for the applicant and also have perused the application and material placed on record. We have also heard Shri T.A.Unnikrishnan, Standing counsel appearing for the respondents. Annexure A-2 Circular dated 24.1.2001 communicating Directorate's letter dated 29.12.2000 very clearly states that substitute ED Agents are not to be given any weightage for selection to ED Posts. A-6 letter dated 17.5.1989 of the DG Posts stipulates that substitutes engaged against absentees should be considered for appointment against Group 'D' posts only in the event of non-availability of casual labourers. Substitute engagement against absentees are not substitute ED agents at the risk and responsibility of the ED Agents who goes on leave. They are substitutes engaged by the department when Group 'D' employees are absent. A-6 circular has no relevance to appointment to ED posts at all. In the light of the instructions contained in A-2 Circular, and in view of the ruling of the Full Bench of the CAT Madras Bench of the Tribunal stating that the substitute ED Agents are not entitled to any preference or weightage in the matter of

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appointment as ED posts, the claim of the applicant for setting aside A-5 and for a direction to the respondents to regularise the service of the applicant does not cross the threshold of maintainability. Therefore, the application is rejected under Section 19(3) of Administrative Tribunals Act, 1985.

Dated the 22nd January 2002.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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APPENDIX

Applicant's Annexures :

1. A-1 : True copy of the proceedings of Inspector General of Posts vide letter No.43-37/85-PEN dated 29th November, 1985.
2. A-2 : Photocopy of order No.19-6/2000 ED&Trg dated 29.12.2000 issued by the Superintendent of Post Offices, Idukki.
3. A-3 : Photocopy of common judgment in OA No.811/88 and connected cases dated 20.4.1990 passed by the Central Administrative Tribunal, Madras Bench.
4. A-4 : True copy of representation dated 3.9.2001 submitted by the applicant before the 2nd respondent.
5. A-5 : Order No.B3/Misc. dated 11.12.2001 passed by the 2nd respondent, Senior Superintendent of Posts, Kollam.
6. A-6 : True copy of letter No.45-24/88-SPB dated 17.5.1989 issued by the Director General of Posts.

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24.1.02.