

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.571/2001.

Tuesday this the 4th day of September 2001.

CORAM:

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

K.S.Anitha,
Part-time Contingent Employee,
Kecheri P.O. Applicant

(By Advocate Shri Vishnu S.Chepazhanthiyil)

Vs.

1. Sub Post Master,
Kecheri Post Office, Kecheri.
2. Sub Divisional Inspector of
Post Offices, Guruvayoor.
3. Senior Superintendent of
Post Offices, Trichur Division,
Trichur.
4. Union of India represented by its
Secretary, Ministry of
Communications, New Delhi. Respondents

(By Advocate Shri S.K.Balachandran, ACGSC)

The application having been heard on 4th September 2001
the Tribunal on the same day delivered the following:

O R D E R

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

The applicant who is working as Part-time contingent employee under the first respondent continuously from 1.1.1996 onwards applied for appointment to the post of Extra Departmental Mail Carrier (EDMC for short) which fell vacant at Chittanjur Post Office, in preference to outsiders. Though her representation for appointment to the post of EDMC was forwarded by the 3rd respondent on 22.6.2001, the 2nd respondent issued the impugned order dated 5.7.2001(A6) stating that as the appointment of the applicant was not made through the Employment Exchange, her request for appointment as EDMC

could not be considered. Aggrieved, the applicant has filed this application. The applicant has alleged in the application that the casual labourers whether full-time or part-time, are entitled to preference in the matter of appointment to ED posts and that the denial of the benefit to the applicant is unjustified. With the above allegations the applicant has filed this application seeking to set aside A-6 order and for a direction to the respondents to consider the applicant as regular Part-time contingent employee for appointment to the post of EDMC in preference to outsiders and to pass appropriate orders without taking steps for direct recruitment.

2. The respondents did not file any reply statement though notice was served. We have heard Shri Vishnu, learned council for applicant and Shri S.K.Balachandran, ACGSC appearing for the respondents. Shri Balachandran states that the impugned order was issued for the reason that the applicant was not appointed through Employment Exchange though she has been working since 1983 and continuously working on the post of Part-time contingent Sweeper from 1996 onwards.

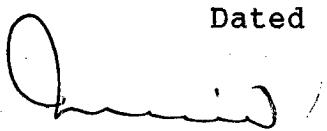
3. An identical issue came up for consideration before the Bench in O.A.818/2000. In that case, the part-time contingent employee who had been working from December 1993 onwards was denied the benefit of preference in the matter of appointment to ED post for the reason that the applicant was not sponsored by the Employment Exchange. The Tribunal held that as the applicant had worked as Part-time casual labourer for a long period, this benefit should not be denied to him solely for the reason that he was not engaged as casual labour through the

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intervention of the agency of Employment Exchange. The facts of this case are also similar. The applicant admittedly is working as Part-time contingent Sweeper with effect from 1.1.1996 onwards without break and the 3rd respondent has forwarded her representation to the 2nd respondent. The 3rd respondent forwarded the application being convinced that the applicant having been working continuously from 1996 onwards, was eligible to be treated as a regular Part-time Contingent Sweeper and was eligible to be appointed as ED Agent in preference to outsiders.

4. In the result, the application is allowed. The respondents are directed to consider the applicant for appointment to the post of EDMC Chittanjur treating her as a regular Part-time employee giving her the benefit of the directions contained in the letter of Director General of Posts, dated 6.6.88 and 31.3.92. Recruitment to the post of EDMC, Chittanjur through open market should be resorted to only if the applicant is found unsuitable for such appointment.

Dated the 4th September 2001.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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A P P E N D I X

1. Annexure A1 : True copy of the SSLC of the applicant.
2. Annexure A2 : True copy of the relevant page of SSLC of the applicant.
3. Annexure A3 : True copy of the representation dated 24.5.2001 to the 2nd respondent.
4. Annexure A3(a):English translation of Annexure A3.
5. Annexure A4 : True copy of the letter No.87/14 dated 22.6.2001.
6. Annexure A5 : True copy of letter No.Rectt/27-1-IV dated 31.3.1992.
7. Annexure A6 : True copy of letter No.EDMC/Chittanjur dated 5.7.2001.

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