

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A No.604 / 2007

Monday, this the 21st day of January, 2008.

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HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

HON'BLE MRS O.P.SOSAMMA, ADMINISTRATIVE MEMBER

G.Biju,
Part Time Scavenger cum Sweeper,
Chavara Bridge P.O.
Chavara.Applicant

(By Advocate Mr Shafik M.A.)

1. Union of India represented by
the Chief Post Master General,
Kerala Circle,
Trivandrum.
2. The Senior Superintendent of Post Offices,
Kollam Division, Kollam.
3. The Inspector of Posts,
Karunagappally Sub Division,
Kollam.Respondents

(By Advocate Mr. P.A.Aziz, ACGSC)

This application having been finally heard on 14.1.2008, the Tribunal on 21.1.2008 delivered the following:

ORDER

HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER


The applicant's grievance in this O.A is that his service as Part Time contingent Scavenger at Chavara Bridge P.O. was terminated without any notice or following any other procedures prescribed by law. He is also aggrieved by the refusal of the respondents to appoint him in the same Post Office as GDSMD at Puthenthara Post Office as per the instructions contained in para 4 of the DG,

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Posts letter dated 6.8.1988 which says as under:

"The suggestion has been examined in detail and it has been decided that casual labourers whether full time or part time who are willing to be appointed to ED vacancies may be given preference in the matter of recruitment to the Ed poss provided they fulfil all the conditions and have put in a minimum service of 1 year. For this purpose a service of 240 days in a year may be reckoned as one year's service."

2. According to the applicant, he was engaged as a Part Time contingent Scavenger at the Chavara Bridge P.O. from 25.8.2003 and was in continuous service from 1.9.2003. In support of his claim, he has submitted copy of Annexure A-1 receipt for Rs.123/- dated 1.9.2007 towards Scavenger allowance for August 2007. When the incumbent of GDSMD at Puthenthara Post Office was transferred to the post of GDSMP at Chavara Bridge Post Office, the applicant submitted a representation to consider him for the post of GDSMD, Puthenthara Post Office in terms of the aforesaid DG, Posts letter dated 6.6.1988. According to the applicant, instead of considering him for the aforesaid post, the third respondent, viz, Inspector of Posts, Karunagapally Sub Division, Kollam inspected the Chavara Bride P.O. On 7.9.2007 and submitted the report stating that henceforth the work being done by outsiders should be combined with the work of the Scavenger attached to the office of the said respondent. Thereafter, from 12.9.2007 onwards the applicant was not allowed to perform his duties. He has, therefore, sought a declaration from this Tribunal that the termination of his service as Part Time Contingent Scavenger, Chavara Bridge Post Office was illegal and arbitrary. He has also sought a direction to the respondents to continue him as Part Time Scavenger and to consider him to the post of GDSMP, Chavara Bridge Post Office or GDSMD, Puthenthara on the basis of the instructions of the DG, Post's instructions contained in letter dated 6.6.1988.




3. The respondents in the reply has denied the contention of the applicant that he was a Part Time Scavenger at Chavara Bridge P.O. According to them, he was an outsider engaged by the then Sub Post Master, Charava Bridge P.O. unauthorizedly and irregularly to perform scavenging work on daily basis and he has no legal right to get any preference for appointment as GDSMD post based on DG, Post's instruction dated 6.6.1988. They have also submitted that the Charava Bridge P.O had no toilet facility initially and a toilet was constructed only in August 2003 by the land lord. The scavenging work which arose as a result of the construction of the new toilet, came to 15 minutes and since there was already a part time Sweeper whose work load was only 54 minutes, the additional scavenging work also could have been combined to that work in terms of DG Posts letter dated 28.4.1997 (Annexure R-1) according with which full time employment has to be provided to part time casual labour wherever possible/feasible by combining duties of various part time positions. However, the Sub Post Master without the knowledge of Inspector of Posts, Karunagappally, appointed the applicant. When this fact came to the knowledge of the third respondent, the applicant's service was dispensed with and both the scavenging and sweeping work were combined with the existing part time casual labourer. Respondents have also submitted that no formal notice of termination was issued to him as he was not selected and appointed by a competent authority following the due process of selection.

4. We have heard Shri Shafik M.A. for applicant and Shri P.A.Aziz, ACGSC for respondents. In our considered opinion, the O.A is devoid of any merit. The applicant was never appointed as Part Time Scavenger at Chavara Bridge Post Office by any competent authority. The work was performed by him was only for 15 minutes a day and according to the DG, Post's letter dated 28.4.1997, that work should have been assigned to the part time worker already working with the



respondents. We are also convinced that the applicant was appointed without any authority and without following any procedure. He was engaged in an irregular manner by the Sub Post Master, Charava Bridge P.O without even consulting the competent authority, viz, Inspector of Post Office, Karunagappally. In such circumstances, the dispensing with the service of the applicant by the third respondent without notice cannot be faulted. The O.A. is therefore dismissed. No costs.

Dated, 21st of January, 2008.



O.P.SOSAMMA
ADMINISTRATIVE MEMBER



GEORGE PARACKEN
JUDICIAL MEMBER

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