

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

DATED WEDNESDAY THE TWENTYNINTH DAY OF MARCH  
ONE THOUSAND NINE HUNDRED AND EIGHTY NINE

PRESENT

HON'BLE MR. JUSTICE AMITAV BANERJI, CHAIRMAN

&

HON'BLE MR. S. P. MUKERJI, VICE CHAIRMAN

O. A. No. 148/89

S. Balendran

.. Applicant

Vs.

1. Union of India represented by the  
Director General, Department of  
Posts, Dakdhar Bhavan, New Delhi
2. The Postmaster General, Kerala  
Circle, Trivandrum
3. The Superintendent of Post Offices,  
Alleppey and
4. The Postmaster, Alleppey-1

.. Respondents

M/s. K. Ramakumar &  
V. R. Ramachandran Nair

Counsel for the  
applicant

Mr. P. V. Madhavan Nambiar, SCGSC

Counsel for the  
respondents

ORDER


Hon'ble Mr. Justice Amitav Banerji, Chairman


By this Original Application, the applicant  
prays for the relief that the service of the applicant  
as part-time contingent Gardener be not terminated by  
the respondents and for a further direction that he  
should be continued as a part-time Gardener under the  
fourth respondent.

2. The applicant is an Extra Departmental Mail Carrier. He was also given an assignment of part-time contingent Gardener. Annexure-B to the Original Application states that the Postmaster General, Kerala, Trivandrum has observed that Extra Departmental Mail Carrier should not have been allowed to be a part-time contingent employee and has also ordered that he should be relieved of the latter position. It is on the basis of this the present O.A. has been filed and the relief aforesaid has been prayed.

3. As far as the main job of the applicant is concerned it is that of an Extra Departmental Mail Carrier <sup>and</sup> that continues. There is no order of the applicant being relieved of that post. The applicant <sup>is</sup> ~~was~~ was also doing an additional work, namely, of being a part-time contingent Gardener. <sup>This work</sup> is the one which is proposed to be taken away. The Postmaster General, Kerala Circle, Trivandrum has in the letter dated 22.3.1989 informed the learned SCGSC in the Tribunal that the Chief Postmaster General had issued instructions to see that Extra Departmental Mail Carriers are not employed in contingent posts. We have been shown the copy of the letter. The effect of this instruction will be that this will effect not only the applicant but all such persons who are holding part-time contingent position also while acting as Extra Departmental

Mail Carriers. We see no discrimination in this order. We further feel that one person should hold one job under the Government. The other job can conveniently go to one of the unemployed persons in the country whose number is <sup>legions</sup> ~~rising~~ in this State. The learned counsel contended that the pay and allowances of the Extra Departmental Mail Carriers <sup>are</sup> ~~is~~ meagre and for that he has to go <sup>in</sup> ~~for~~ second job to sustain himself. There could be no quarrel with that. The second job should not come from the Government. We see no illegality or irregularity in the order passed. We find no merit in the application. Accordingly it is dismissed at the admission stage.

  
29.3.89  
(S. P. Mukerji)  
Vice Chairman  
29.3.1989

  
(Amitav Banerji)  
Chairman  
29.3.1989

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(S. P. Mukerji)  
Vice Chairman  
29.3.1989

Sd/-  
(Amitav Banerji)  
Chairman  
29.3.1989

kmm