

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.176/98

Wednesday, this the 4th day of February, 1998.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

HON'BLE MR SK GHOSAL, ADMINISTRATIVE MEMBER

EJ Edwin,
Elanjikkal,
House No.X/925,
Veli, Fort Kochi.

- Applicant

By Advocate Mr KG Anil Babu

Vs

1. The Union of India
represented by the Secretary,
Ministry of Communication,
Sanchar Bhavan,
New Delhi.
2. The Director General of Posts,
Dak Bhavan,
New Delhi.
3. The Senior Superintendent of Post Offices,
Ernakulam Postal Division,
Kochi-11.
4. The Postmaster,
Kochi Head Post Office,
Kochi-1.

- Respondents

By Advocate Mr Varghese P Thomas, ACGSC

The application having been heard on 4.2.98 the Tribunal
on the same day delivered the following:

O R D E R

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

The applicant who is an Extra Departmental Packer claims
that he has been put to work on a Group'D' post of Chowkidar
with effect from 9.5.97 continuously and that as he has completed

more than 240 days as on 26.1.98, the respondents are bound to regularise him as Chowkidar with effect from 9.5.97. He therefore has filed this application for a declaration that he is a workman entitled to get his services regularised on a Group'D' post of Chowkidar and for a direction to regularise the services of the applicant in the Group'D' post of Chowkidar in the existing vacancy at Kochi Head Post Office with effect 9.5.97.

2. We have gone through the application and Annexures thereto and have heard the learned counsel on either side.

3. The applicant as an ED Agent was permitted to work as a substitute Chowkidar, as the regular incumbent on that post has been transferred. He is not a casual labourer on his own showing. A person who has been placed as a substitute appointed on a post purely on ad hoc basis and as a stop-gap arrangement has no legal right to claim that he should be regularised on that post. Therefore the claim of the applicant is misconceived. The application therefore has only to be rejected. If the applicant feels aggrieved that any of his rights under the Industrial Disputes Act has been violated, it is open for him to move the appropriate machinery under the statute for the appropriate relief. The application is therefore rejected under Section 19(3) of the Administrative Tribunals Act. No costs.

Dated, the 4th February, 1998.


(SK GHOSAL)
ADMINISTRATIVE MEMBER


(AV HARIDASAN)
VICE CHAIRMAN