

K. S. RADHAKRISHNAN & K. BALAKRISHNAN NAIR, JJ.

O.P. No.26726 of 2001=S

Dated: 29th November 2001

JUDGMENT

Radhakrishnan, J.

When the matter came up for hearing today, counsel for the petitioner submitted that respondent has produced an order, Ext. R2(a) along with the counter affidavit. We are of the view if the petitioner is so advised, he may make representation before the appropriate authority seeking benefit of Ext. R2(a) order or any other order in the event of which the appropriate authority will consider the same and pass appropriate orders in accordance with law untrammelled by the observation of the Tribunal in the impugned judgment. The original petition is disposed of as above.

SD/-
(K.S.RADHAKRISHNAN, JUDGE)

SD/-
(K.BALAKRISHNAN NAIR, JUDGE)

29/11/2001
en

-/ true copy /-




Section Officer.

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.317/2001

Thursday this the 31st day of May, 2001

CORAM

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

Shri P.Karuppayya, residing
Saraswathy Bhavan, Vandiperiyar
Chokkupara PO, Idukki Dist.
working as Branch Postmaster,
in charge, Pachakanam,
Vandiperiyar.

....Applicant

(By Advocate Mr. MK Chandramohan Das)

v.

1. The Superintendent of Post Offices,
Idukki Division,
Thodupuzha
2. Union of India, represented by
the Secretary, Department of Posts,
New Delhi. Respondents

(By Advocate Mr. Govindh K Bharathan, SCGSC)

The application having been heard on 31.5.2001, the Tribunal on the same day delivered the following:

O R D E R

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

The applicant claims to have engaged as Extra Departmental Agent intermittently according to him from the year 1987 onwards has made a request that his services may be regularised on the post. Since the request has not been acceded to as no reply has been given to him, the applicant has filed this application for the following reliefs:

- (a) To direct the respondents to produce the reports leading to Annexure.AI to AIII and peruse the same by this Hon'ble Tribunal.

contd....

(b) to direct the respondents to regularise the applicant in the post of Branch Post Master;

and

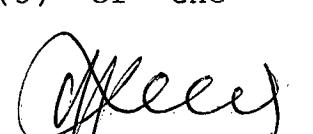
(c) to direct the respondents to consider Annexures AI and AIII and to pass appropriate orders in accordance with law by regularising the applicant to the post of Branch Post Master.

2. Sr.CGSC took notice on behalf of the respondents. It is stated that the applicant has been working on leave vacancies as substitute when the original incumbent of the post was on leave. The counsel further states that there is no instructions, rules or rulings which enables the department to regularise the services of a substitute ED Agent. Learned counsel of the applicant is also not in a position to bring to our notice any rule or instructions or rulings of the competent court which provides for regularisation of substitute E.D.Aagents in a post. The ruling of the apex court in Daily Rated Casual Labourers of P&T Department Vs. Union of India reported in AIR 1987 SC 2342 has practically no relevance to the issue in this case. That relates to casual labourers who have been working continuously for years together. In this case the applicant is not a casual labourer and is only a substitute of the ED Agent.

3. In the light of what is stated above, the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER

(s)


A.V. HARIDASAN
VICE CHAIRMAN

OA 317/2001

List of annexures referred to:

Annexure.AI:Photocopy of the Order No.A.67C dated at Thodupuzha the 21.10.1998 issued by the respondent.

Annexure.AII:Photo copy of the complaint filed by the applicant to the respondent dated 16.11.98.

Annexure.AIII:Photo copy of the representation filed by the applicant to the respondent dated 20.1.2001.

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