

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 449 of 1991

Kutubuddin Khan and others . .c. Applicants

Versus

Union of India & Others Respondents. T

Hon'ble Mr. Justice U.C.Srivastava, VC.

Hon'ble Mr. K. Obayya, Member (A)

(By Hon'ble Mr. Justice U.C.Srivastava, VC)

The case is ready and the same is being disposed of finally.

2. In the year 1988 for providing postal facilities in interior rural areas having no post Offices, the scheme of "Panchayat Das Sewaks" was introduced by the Government of India, Posts & Telegraphs Department, and in Uttar Pradesh, Rae Bareilly and Sultanpur Districts were selected for introduction of the said scheme of Union of India. Under the Scheme in every Gram Panchayat of these two districts panchayat Das Sewaks were appointed. The applicants were also appointed under the same scheme as Extra Departmental Agents on 27.7.1988 and have been discharging their duties, but their services have been terminated w.e.f. 1st July, 1991 abruptly.


3. The contention of the applicants is that, they are Extra Departmental Agents within the meaning of Section 2(b) of the Posts and Telegraphs Extra Departmental Agents (Conduct and Service) Rules, 1964 and the services of the applicants are also being governed by the said Rules of 1964 and as such the services of the applicants could not have been terminated as they are holding Civil Posts and also protected by the provis-

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ion of Industrial Disputes Act.

4- The respondents have pointed out that the scheme was further reviewed after consultation with Ministry of Law and Communication on 20.5.1988; and the Gram Panchayat was asked to nominate a suitable local resident who was willing to work as Panchayat Dak Sewak and this is how appointment was made and the Scheme was reviewed by the Department and it was found that desired purposes of the scheme were not fulfilled and as such above scheme was discontinued with effect from 1.7.1991 vide Director General Posts, New Delhi letter dated 13.6.91, as such the services of these applicants were also had to be withdrawn and the same were withdrawn. They were being paid a sum of Rs. 150/- per month as salary to the applicants, but it is not correct to say that they were getting ^{it} from the Department. As a matter of fact, this amount was paid to concerned Gram Panchayat and they were getting this amount from their Gram Panchayats, and the contention that they were departmental employees is not correct. In view of the above facts that the scheme under which the appointments were made, have already been withdrawn. The applicants can not claim for right to the post which does not exist. Accordingly, we do not find any merit in this case and the application is hereby dismissed.


Member (A)


Vice-Chairman

Lucknow Dated 18.9.1992

(RKA)