

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: MUMBAI

ORIGINAL APPLICATIONS NO.147/99, 149/99 & 150/99

THURSDAY, THE 14TH DAY OF JUNE, 2001

CORAM

HON'BLE SHRT SHANKER RAJU. MEMBER (J)

1. Gurunath Shankar Shelar,
Age 42 years,
Ex. Outsider Postman, Vishnunagar,
Dombivli-West Post Office,
R/at Cherpoli village,
Tal. Shahapur, Post-Aware B.O.
District-Thane. Applicant in
OA 147/99.
2. Sudhir Pandharinath Kabadi,
Age 28 years,
Ex Outsider Postman
R/at Khativli P.O.
Washind, Tal. Shahapur,
District-Thane. Applicant
in OA 149/99
3. Premnath Mahadeo Gothankar,
Ex Outsider Postman,
Son of Mahadeo Gopthankar,
Age 34 years,
R/at Barrack No.1424,
Room No.9, Maratha Section 32
Ulhasnagar-4,
Maharashtra. Applicant in
OA 150/99

By Advocate Shri S.P. Kulkarni.

Versus

1. Union of India through
Department of Posts,
Senior Superintendent of Post
Offices, Thane Central Division,
Thane R.S. P.O. Building,
Central Railway at P.O.Thane H.O.
Thane-400 601.

...2.

2. The Postmaster General,
Mumbai Region,
through Director of Postal Services (City)
Office of the Chief Postmaster
General, Maharashtra Circle,
G.P.O. Building, Fort, Near CSTG
Central Railway Station,
Mumbai-400 001. .. Respondents

By Advocate Shri V.S. Masurkar.

O R D E R

As the common question of law is involved in all these OAs and the cause of action is identical I dispose of these OA by a common order.

2. The learned counsel for the applicant has restricted his prayed to 8(c) only where he has sought as an alternate relief of consideration for ED vacancies in Thane Central Division accordance with DGP letter dated 6.6.1988.

3. The applicant in these OAs have been working on leave vacancy as substitutes. The applicants had worked as outdoor postmen for a number of years and rendered the requisite number of 240 days in a year. The learned counsel for the applicant, by taking resort to the case of C.C. Sasikala Vs. Assistant Superintendent of Post Offices, Cochin decided on 24.9.99 in OA 1439/98 and 101/99 contended that the respondents therein have been directed to ~~be~~ ^{be} considered ^{be} the applicants as casual labourer for the post of EDDA in accordance with DGP letter dated 6.6.98. My attention is drawn ^{be} para 4 of

the letter wherein for the purpose of 240 days in a year the same may be kept in view ^{as one year}. In this order the court has held that there is no need to notify the vacancies to the employment exchange. It has been observed that if a casual labour is to be considered whether part time or full time, should be considered along with candidates sponsored by employment exchange for selection as EDA. In this background, it is contended that the applicants are to be considered for the post of EDA in accordance with DGP letter dated 6.6.98.

4. The learned counsel for the respondents had stated that the applicants had been engaged on leave vacancies as substitutes and were not qualified despite giving 3 chances. It is further contended that in case the applicants makes an application to them for considering them as engagements as EDA only then there will be ^{an} ^{occasion to} ^{them} ⁱⁿ the question ^{their} considering ^{along} with persons sponsored by employment exchange, will arise.

5. I have considered the rival contentions and ^h ^{subra} ~~perused~~ the case laws. In Sasikala's case ^{supra} DGP letter dated 6.6.198 was referred to and the directions have been issued to consider the applicants therein for engaging as EDA subject to their eligibility and following the requisite formalities. In view of the law

laid down above, I dispose of these OAs with the following directions.

- i) the applicants shall make applications to the respondents for their consideration as EDA in view of DGP letter dated 6.6.98;
- ii) Respondents are directed to consider their case along with persons sponsored by employment exchange for being engaged as EDA subject to their eligibility if and when vacancies arise at Thane Central Division.

The OAs are disposed of accordingly. No costs. Let copy of this order be placed in all the OAs.

S. Raju
(SHANKER RAJU)
MEMBER (J)

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