

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

OA.948/99

dt.27-9-99

Between

- 1. K. Dastagiri
- 2. A. Veera Narappa
- 3. P. Suresh Kumar
- 4. K. Ramanjaneyulu
- 5. L. Obulesu

: Applicants

and

1. Union of India, rep. by  
 Director General  
 Department of Posts  
 Dakbhavan, Sansadmarg  
 New Delhi

2. Chief Postmaster General  
 AP Circle, Abids  
 Hyderabad

3. Postmaster General  
 APSR, Kurnool

4. Supdt. of RMS  
 AG Divn., Guntakal

5. Sub Record Officer  
 AG Division  
 Cuddapah

: Respondents

Counsel for the applicants

: Krishna Devan  
Advocate

Counsel for the respondents

: V. Vinod Kumar  
CGSC

Coram

Hon. Mr. B.S. Jai Parameshwar, Member (Judl.)

## Order

Oral order (per Hon. Mr. B.S. Jai Parameshwar, Member(J)

None for the applicant. Heard Mr. V. Vinod Kumar, learned counsel for the respondents. Even on the last time the learned counsel for the applicant remained absent. Hence, I have no option but to decide the OA under Rule 15(1) of CAT Procedure Rules, 1987.

2. There are five applicants in this OA. They submit that they were working as Casual Labourers in the office of SRO, RMS, AG Division, Cuddapah for the past several years and that there are 21 posts of ED staff in the different units of AG Division. The 4th respondent being <sup>the</sup> Head of the units is taking steps for filling up the posts from outsiders. That the 5th respondent has issued notification No.EDMM/Rectt./SRO CDP, dated 26-5-99 inviting applications from outsiders to the two posts of EDMM under his control. And <sup>the</sup> that the issuing notification for filling up of the two posts of EDMM without considering their case is illegal.

3. Hence, they have filed this OR for the following reliefs :

- 1) To call for the records relating to the impugned order dated 26-5-99.
- 11) To set aside the impugned notification dated 26-5-99 by holding that the action of the respondents in issuing notification to fill up two posts of EDMM fallen vacant in the office of 5th respondent instead of absorbing the applicants in the said posts and in stipulating irrelevant, unnecessary conditions contrary to the orders of the Directorate, as arbitrary, illegal being violation of Article 14 of the Constitution of India.

iii) Consequently to direct the respondents to take appropriate steps for absorption of the applicants in the posts available and to be arisen.

4. On 25-6-1999 an interim order was passed directing the respondents to consider the case of the present applicants and their representations and they shall not be denied the opportunity of being interviewed simultaneously with the applicants who may have responded to the notification dated 26-5-99 even though the applicants had not made any formal applications for the purpose. Further it was directed that any selection that may be made in pursuant to the notification dated 26-5-99, <sup>should be subject to outcome of the application.</sup> Hence, the applicants' case which may be considered in pursuance of the interim direction shall be subject to the result of the OA.

5. The respondents have filed their reply stating that the applicants are not Casual Labourers but they were working as substitutes having engaged by the regular incumbents of the posts. That there are no instructions from the Directorate to consider the cases of the substitute candidates. And that presently there are two posts of EDMM, one reserved for SC and one for OC. That the SRO, Cuddapah, initiated action for filling up the said posts according to the Recruitment rules. Further, the applicants cannot have the right for absorption or for giving weightage for the experience gained by the applicants by virtue of their working as substitutes. Further they submit that the applicants are free to respond to the notification issued by the Department.

6. Recruitment to the ED staff is governed by the P&T EDDA rules, 1964. The said rules do not provide for regularisation or absorption of substitutes. The substitutes are engaged by the regular incumbents while proceeding on leave. The department has no connection whatsoever with the substitutes.

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It is entirely on the responsibility of the regular incumbent of the posts, <sup>the substitutes are</sup> to perform their work when they proceed on leave. There is no relationship of Master-and-Servant in the case of substitute.

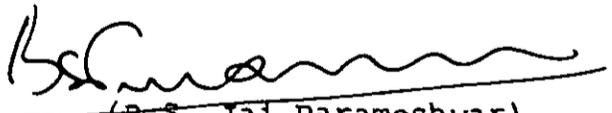
7. Hence, the question of consideration for regularisation/absorption of substitutes in the Department does not arise. The applicants if so desire may submit their candidatures in response to the notification issued by the Department for recruitment to the ED staff.

8. In that view of the matter the applicants cannot claim for regularisation or absorption in the department merely because they rendered service as the substitutes for the regular incumbents.

9. Hence, the applicants are not entitled to the reliefs prayed for in the OA.

10. However, if any of the applicants had responded to the notification dated 26-5-1999 the same shall be considered by the respondents along with other candidates and consider their eligibility for appointment as per the Recruitment Rules.

11. With the above directions the OA is dismissed. No costs.

  
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(B.S. Jai Parameshwar)  
Member(Judl.)  
27.9.99

Dated : 27 Sept., 1999  
Dictated in Open Court

  
27/9/99

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