

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

O.A.No.954/99

Date of Order:7.4.2000

BETWEEN :

V.Chandramohan

..Applicant.

AND

1. Union of India, rep. by Secretary,
Ministry of Communications and Director General,
of Posts, New Delhi.
 2. The Chief Postmaster General,
AP Circle, Hyderabad.
 3. Post Master General, Kurnool Region,
Kurnool.
 4. Superintendent RMS, AG Division,
Guntakal.
- ..Respondents.

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Counsel for the Applicant ..Mr.B.S.A.Satyanarayana

Counsel for the Respondents ..Mr.V.Vinod Kumar

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CORAM :

HON'BLE SHRI R.RANGARAJAN : MEMBER(ADMN)

HON'BLE SHRI B.S.JAI PARAMESHWAR:MEMBER(JUDL.)

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O R D E R

)(As per Hon'ble Shri B.S.Jai Parameshwar, Member(J))

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Mr.B.S.A.Satyanarayana, learned counsl for the
applicant and Mr.V.Vinod Kumar, learned standing
counsel for the respondents.

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2. Earlier the applicant had approached this filing Tribunal by OA:467/97 which was decided on 10.12.98 directing the respondents to consider the case of the applicant for regularisation if he fulfills^{ed} the conditions for regularisation as indicated in OA.1269/95 decided on 22.3.96.

2. Accordingly the respondents in the presence of the applicant and his assistants verified the records and found^{him} to have worked as an EDMM substitute during the period 1.4.85 to 31.3.87 as detailed in page-2 of the reply.

3. On verification, the applicant was informed on 5.7.99 that he has not worked as casual labourer/part-time casual labourer for 240 days or more in any year and hence not eligible for appointment of EDMM keeping in view, the-directorate instructions in Lr.No.25-24/88 SPB-I dated 17.5.89 and letter No.19-57/96-ED & Trg dated 26.3.97. (A-R-1 & 2 to the reply).

4. The applicant has filed this OA for the following reliefs :-

(a) to call for the records said to have been subjected to verification by the respondent No.4 and after perusal declare the action of R-4 in not selecting the applicant for the said post of EDMM and notifying the vacancy in which the applicant is presently working as illegal, capricious and violative of the orders of this Hon'ble Tribunal in OA.1269/97,

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467/97 dated 22.8.96, 1012.98 respectively.

(b) and in consequence direct the respondent No.3 and 4 to appoint in the vacancy in which the applicant was working i.e. 5 hours vacancy of EDMM of Cuddapah RMS/2, setting aside the impugned notification, dated 26.5.99 and impugned order contained in Memo No.B/EDmm/VCM dated 5.7.99 and

(c) Direct the respondent No.3 and 4 to accord seniority to the applicant with effect from his initial appointment with all consequential benefits.

5. The respondents have filed reply stating that the applicant had worked as ^a substitute for ED staff. The said service of the applicant as a substitute cannot be considered as a casual labourer/part-time casual labourer ^{service} of the department. Substitutes are appointed by the ED staff proceeding on leave. In Annexure-R-2 in para.9 the Deputy Director General (T&E) has stated that the existing rules for employment of ED substitutes have been thoroughly examined and there appears no reason to make any amendments in the same. Thus the substitutes are only appointed by the ED staff proceeding on leave or otherwise.

6. The learned counsel for the applicant relies on Annexure-R-1 wherein in para-3 it is stated that the substitutes engaged in place of absentees should not be designated as casual labourers. For ^{the} purpose of recruitment to Group-D posts, substitutes should be




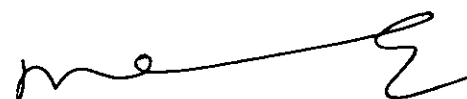
considered only when the casual labourers are not available. That is, substitutes will rank last in priority but will be above outsiders. In other words the following priority should be observed.

- (i) NTC Group-D officials;
- (ii) EDAs of the same Divisions;
- (iii) Casual labourers and
- (iv) EDAs of other divisions in the same region.

7. The learned counsel for the applicant submits that substitutes will rank above outsiders. If the applicant has not put in 240 days of service as stated by the respondents herein, then the applicant should be considered for posting as EDMM in accordance with the circular dated 17.5.99 (Annexure-R-1). That would mean, before consideration of the direct recruits from the employment exchange candidates, The case of the applicant should be considered if there is need for filling up the post of EDMM.

8. The OA is disposed of. No costs.

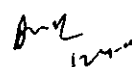

(B.S. JAI PARAMESWAR)
Member (Judl.)


(R. RANGARAJAN)
Member (Admn.)

Dated : 7th April, 2000

(Dictated in Open Court)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH. HYDERABAD

1ST AND IIND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

COPY TO:

1. HOHND
2. HRRN(ADMN) MEMBER
3. HBSJP(JUDL)MEMBER
4. D.R. (ADMN)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE-CHAIRMAN

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN)

THE HON'BLE MR. B. S. JAI PARAMESHWAR
MEMBER (JUDL)

DATE OF ORDER 7/4/00

MA/RA/CP.NO.

IN

CA.NO.

954/09

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

