

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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E.P/M.A No.

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SECTION OFFICER (Judl.)

Balita
28/11/17

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No. 207/02

Misc Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicants. C.K. Roy

-Vs-

Respondant(s) H.O. I Goms

Advocate for the Appellant(s) J.L. Sankar, A. Chakraborty

Advocate for the Respondant(s) CGSC

Notes of the Registry	Date	Order of the Tribunal
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Application is in
the form of a petition
under the Act of 1950
and is not a writ
or Rs. 100/-
Application No. 207/02
Date 27.6.02

2.7.02

NO representation by
Pass over for the day.

Member

Vice-Chairman

1m

9.7.02

Heard learned counsel for
the parties.

Application is admitted. Call
for records. Issue notice on the
respondents. Returnable by four weeks.
List on 12.8.02 for orders.

Member

Vice-Chairman

1m

15.7.2002

Notice prepared and
sent to D. Section
for issuing of the
same to the respondents
through Regd. post
with A.D. 1949 to 1951
Vide D.No. 17/02.
Dtd _____

12.8.02 Mr. A. Deb Roy, learned Sr. C.G.S. C. for the Respondents prays for time for filing written statement. Prayer is allowed. List again on 10.9.2002 for orders.

No written statement has been filed.

20
8.10.02

mb

10.9.01 List on 9.10.02 to enable the respondents to file written statement.

lm

Vice-Chairman

9.10.02 List again on 20.11.2002 to enable the respondents for filing written statement on the prayer made by Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents.

No written statement has been filed.

20
18.11.02

mb

20.11.02 On the prayer of Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents further four weeks time is allowed to the respondents to file written statement. List on 18.12.2002 for orders.

No written statement has been filed.

20
17.12.02

mb

18.12.02 Stand out. List on 21.12.2003 for orders.

20/1/03 NO W/S has been filed.

NS
20/1/03

mb

21.1.2003 Put up again on 13.2.2003 to enable the respondents to file written statement.

5.2.03 W/S submitted by the Respondents.

mb

Member

Vice-Chairman

13.2.2003

Pleadings are complete. The case may now be listed for hearing on 11.3.2003. The applicant may file rejoinder, if any, within two weeks from today.

No rejoinder has been filed.

30
10.3.03

mb


Vice-Chairman

11.3.2003

None appears for the applicant. List the case on 8.4.2003 for hearing.

No rejoinder has been filed.

7
7.4.03

bb


Vice-Chairman

8.4.2003, Division Bench did not sit today, the case is adjourned to 29/5/2003.
ms
A

29.5.2003

present: The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.

The Hon'ble Mr. S.K. Hajra, Administrative Member.

put up the matter on 25.6.2003 again for hearing in presence of Mr. A. Deb Roy, Sr. C.G.S.C.

No rejoinder has been filed.

23
23.7.03

Member

bb


Vice-Chairman

25.6.2003, Division Bench did not sit today, the case is adjourned to 24.7.2003.
ms
A

1/8/2003

Copy of the Judgment has been sent to the office for issuing the same to the applicant as well as to the Sr. C.G.S.C. for its Report.

24.7.2003

Heard learned counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets.

The application is disposed of in terms of the order. No costs.

Member

bb


Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :::GUWAHATI-5.

O.A.No. 207 of ~~XXX~~ 2002

DATE OF DECISION. 24.7.2003.....

!! Sri Chandan Kr.Roy (PETITIONER(S))

Mr...J.L.Sarkar & Mr.A.Chakraborty. ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Others. RESPONDENT(S)


Mr.A.Deb Roy, Sr.C.G.S.C. ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE MR JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN.

THE HON'BLE MR N.D.D.AYAL, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman.



CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 207 of 2002.

Date of Order : This the 24th Day of July, 2003.

THE HON'BLE MR. JUSTICE D. N. CHOWDHURY, VICE CHAIRMAN.

THE HON'BLE MR. N. D. DAYAL, ADMINISTRATIVE MEMBER.

Sri Chandan Kr.Roy
S/o Sri Anukul Ch.Roy
Aged about 28 years
C/o Sri S.K.Sonowal, Regional Office
State Bank of India
Itanagar-11.

. . . Applicant.

By Mr.J.L.Sarkar & Mr.A.Chakraborty.

- Versus -

1. Union of India
Represented by the Secretary
to the Government of India
Ministry of Communication
Department of Post
New Delhi - 1.
2. The Director of Postal Services
Arunachal Pradesh Division
Itanagar - 791 111.
3. The Chief Postmaster General
North East Circle
Shillong - 793 001.

. . . Respondents.

By Mr.A.Deb Roy, Sr.C.G.S.C.

O R D E R

CHOWDHURY, J.(V.C.):


The applicant was engaged as Driver in the office of the respondent No.2 w.e.f.12.11.1999, but there was no formal engagement. He was paid a salary about Rs.4,600/- p.m. The applicant thereafter was formally appointed as Casual Driver in the office of the Director of Postal Services, Arunachal Pradesh Division, Itanagar w.e.f.14.9.2000 vide letter dated 14.9.2000. By order dated 29.12.2000 he was discharged from service. The applicant contended that for all practical purposes he was appointed through Employment Exchange on verification of his application and qualification. The applicant contended that he was terminated arbitrarily without any justice.


X

2. The respondents submitted written statement opposing the claims of the applicant. We have heard Mr.A.Chakraborty, learned counsel for the applicant and also Mr.A.Deb Roy, learned Sr.C.G.S.C. for the respondents.

3. Seeing the nature of appointment the order of termination cannot be faulted as such, but then we feel that the applicant is entitled to be considered for appointment as a Driver or any other Group-D post subject to his qualification alongwith other persons similarly situated. Since the applicant rendered some services under the respondents, his case should be considered against future vacancy alongwith the similarly placed persons keeping in mind his past services. Mr.A.Chakraborty, learned counsel for the applicant submitted that the applicant is getting aged and if not appointed soon he may become overaged for govt. service. In the circumstances, we feel that for the ends of justice , a direction need to be issued on the respondents to consider the case of the applicant if necessary by relaxing his age against any future vacancy, keeping in mind the period of service that the applicant rendered in the department. We accordingly order as such.

Subject to the observations made above, the application stands disposed of. There shall, however, be no order as to costs.


(N.D.DAYAL)
ADMINISTRATIVE MEMBER


(D.N.CHOWDHURY)
VICE CHAIRMAN

bb

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI

Title of the case

: O.A. No.: 207 /2002

Sri Chandan Kr. Roy

:

Applicant

----- versus -----

Union of India & ors.

:

Respondents

I N D E X

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3.	A	Copy of Appointment Letter	11
	A/I	Copy of letter dated 9.12.99	12
4.	B	Copy of Employment Exchange Identity Card	13
5.	C	Copy of Letter dated 20.4.2000	14
6.	D	Copy of Call letter Dt. 3.8.2000	15
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9.	G	Copy of Appeal dated 13.3.2001	18-19

Filed by

(Anupam Chakraborty)

Advocate

C. K. Roy

9

In The Central Administrative Tribunal
Guwahati Bench :: Guwahati.

O.A. No. 207 /2002

BETWEEN

Sri Chandan Kr. Roy

Son of Sri Anukul Ch. Roy, aged about
28 years, C/O Sri S.K. Sonowal, Regional
Office, State Bank of India, Itanagar-11.

_____Applicant

AND

1. Union of India represented by the
Secretary to the Govt. of India,
Ministry of Communication,
Department of Post,
New Delhi - 1.
2. The Director of Postal Services,
Arunachal Pradesh Division,
Itanagar- 791 111.
3. The Chief Postmaster General,
North East Circle,
Shillong - 793 001.

_____Respondents

*Filed by the applicant -
Shri S. D. Chakraborty -
D.O. No. 28/6/2002*

C. K. Roy

Details of the Application :

1. Particulars of the order against which the application is made :

The application is made against the Memo No. B-1/staff/Rtg/Corr dated 29.12.2000 discharging the applicant from the service, and for reinstatement of the applicant as Driver in the office of the respondents.

2. Jurisdiction:

The applicant declares that the subject matter of the application is within the jurisdiction of the Hon'ble tribunal.

3. Limitation:

The applicant declares that the application is within the period of limitation under section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the case:

4.1 That the applicant is a citizen of India and as such is entitled to the rights and privileges guaranteed by the constitution of India.

4.2 That the applicant was initially taken into job as Driver w.e.f. 12.11.1999 in the office of the respondent no.2 and he was allotted inspection vehicle no. AR 01-2527 to drive. The applicant was taken into job against the vacancy arisen out of transfer and posting of Sri Amar Basumatari, Driver(Regular) to Shillong in 1999, but no formal appointment letter was issued to him. He was drawing

salary about Rs. 4600/- p.m. It is mentioned that the respondents maintain Attendance Register and the applicant was also required to sign attendance register along with others. He was also required to go in outstation official tour with the respondent no.2. Respondents gave him log book to maintain for outstation tour and he maintained that during his service period. This log book was also verified by the Inspecting Authority time to time. Later on, he was formally appointed as Casual Driver in the Office of the Director of Postal Services, Arunachal Pradesh Division, Itanagar w.e.f. 14.9.2000 by the letter No. B-1/Staff/Rlg/Corr dated 14.9.2000. Since the appointment, the applicant had been working with the satisfaction of all the concerned. On 3.12.1999 the applicant applied to the respondents for his appointment for the post of casual driver. The respondent No. 2 by a letter No. B-1/Staff/Rlg/Corr dated 9.12.1999 asked the applicant to submit a copy of his Driving licence in connection with his appointment as Casual Driver. The applicant worked for more than 240 days in a year and his total working period is about 1 year 2 months. He earned temporary status by the operation of law.

Copy of the Appointment letter dated 14.9.2000 is enclosed as Annexure - A.

Copy of the letter dated 9.12.1999 is enclosed as Annexure - A/I.

4.3 That the applicant begs to state that he was sponsored by the Employment Exchange, Naharlagun

(Registration No. 275/99) and was also formally appointed after interview. It is stated that by a letter of the respondent no.2 dated 20.4.2000 the applicant was invited to submit application along with the educational certificate, birth certificate, driving licence, photographs for his recruitment as Driver at the office of the Respondent No.2. The applicant submitted the application along with the required certificates/documents within the stipulated time, and he was called for interview by a letter dated 03.8.2000. It is also stated that the applicant was recruited as Casual Driver at the Office of the respondent no.2 after holding a DPC on 6.9.2000.

Copy of the Employment Exchange Identity Card is enclosed as Annexure -B.

Copy of the letter dated 20.4.2000 is enclosed as Annexure -C.

Copy of the Call Letter dated 3.8.2000 is enclosed as Annexure-D.

4.4 That the applicant was selected for appointment at the office of the respondent no.2 and he was issued the formal appointment letter No.B-1/Staff/Rlg/Corr dated 14.9.2000 (Annexure-A). It is pertinent to mention that the applicant joined duty (as directed) as Driver, Inspection Vehicle at the Office of the Respondent No.2 and served as daily wage driver from 12.11.1999 to 13.09.2000 and thereafter as casual driver w.e.f 14.9.2000 with the same vehicle.

13
V
Roy
C.

4.5 That the applicant begs to state that the respondents were very satisfied with his work. He had also been serving without any blemish and with the satisfaction of all the authorities, and the respondents also issued a Identity Card No.110/15-5-00 to the applicant on 15.05.2000. As already stated that the applicant was working at the office of the respondent No.2 even prior to his formal appointment as Casual Driver. It is stated that though the applicant was appointed as Casual Driver but in fact he was working against the regular vacancy and his job to drive the inspection vehicle was of perennial nature.

Copy of the Identity Card is enclosed as Annexure-E.

4.6 That the inspection vehicle No. AR-01/2527 which was given to the applicant for driving was not so good in condition and had expired the life time more than 6 years. During December, 2000 the said vehicle started giving more problem and some time it could be started only by pushing the vehicle, which required repairing of CB Point Condenser/Self starter. The respondent No.2 due to the above reason put off the applicant from duty from some days and suddenly on 29.12.2000 by a Memo No.B-1/Staff/Rlg/Corr discharged the applicant from service for no fault of the applicant.

Copy of the Memo dated 29.12.2000 is enclosed as Annexure - F

4.7 That the applicant begs to submit that he has preferred an appeal dated 13.3.2001 to the respondent No.3 for his reinstatement but most unfortunately no reply has

yet been received, nor any order of reinstatement has been passed.

Copy of the appeal dated 13.3.2001
is enclosed as Annexure - G.

4.8 That the applicant begs to state that the said Inspection Vehicle was repaired by the respondents after he has been discharged from service and engaged another driver to drive the said vehicle. The applicant most humbly begs to state that he has come to know that by a Notice dated 18.3.2002 the respondent No.2 through the District Employment Officer of different districts invited applications for recruitment of Driver.

4.9 That the applicant humbly submits that he has been terminated without assigning any reason, nor any show cause or hearing was given to him. The respondents have arbitrarily terminated him from the service which is violative of principles of natural justice.

4.10 That the applicant begs to state that the whimsical and arbitrary action of the respondents has caused irreparable loss and injury to him.

4.11 That the applicant demanded justice but the same has been denied to him and this application is made for the ends of justice.

15
Roy
K
C.

5. Grounds for reliefs with legal provisions:

5.1 For that the applicant has been discharged from service without assigning any reason nor any show cause or hearing was given to him.

5.2 For that the action of the respondents is the result of whimsical and arbitrariness and offends Article 14, 16 and 21 of the Constitution of India.

5.3 For that the applicant had worked for more than 240 days a year and his total service is 1 year 2 months and thereby earned temporary status by the operation of law. He deserves to be regularised in service for the reason that he worked against the regular vacancy for a long period.

5.4 For that the applicant was taken to job of perennial nature after interview and holding of DPG.

5.5 For that the respondents with a view to deprived of the applicant put off the inspection vehicle from duty and discharged him from the service.

5.6 For that in any view of the matter the actions of the respondents are illegal and hence the applicant is entitled to the reliefs as prayed for.

6. Details of remedies exhausted:

The applicant declares that he has preferred an appeal without any reply and there is no other efficacious remedy under any rule and this Hon'ble Tribunal is the only forum for redressal of the grievance.

7. Matters not previously filed or pending before any other Court:

The applicant declares that he has not filed any other case in any tribunal, Court or any other forum against the impugned order.

8. Reliefs sought for :

Under the facts and circumstances of the case, the applicant prays for the following reliefs :

8.1 The impugned Memo No. B-1/Staff/Rlg/Corr dated 29.12.2000 be set aside and quashed.

8.2 The applicant be reinstated into job with all consequential benefits.

8.3 Any other relief/reliefs the Hon'ble tribunal may deem fit and proper.

The above reliefs are prayed for on the grounds stated in para 5 above.

9. Interim relief prayed for :

During the pendency of this application the applicant prays for the following relief:

9.1 The applicant be absorbed as Driver against vacant posts.

The above relief is prayed for on the grounds stated in para 5 above.

10. This application has been filed through Advocate.

11. Particulars of Postal Order :

i) I.F.O. No.

= 76-549673

ii) Date of issue

= 1-4-02

iii) Issued from

= Jwala

iv) Payable at

= Jwala

12. Particulars of Enclosures :

As stated in the index.

Verification.....

18
Roy
D
C

Verification

I, Chandan Kr. Roy, Son of Sri Anukul Ch. Roy, resident of Itanagar, Arunachal Pradesh, aged about 28 years do hereby verify that the statements made in para 1,4,6 and 7 are true my personal knowledge and those made in para 2,3 and 5 are true to my legal advice and the rests are my humble submission. I have not suppressed any material facts.

And I, sign this verification on this 10th day of May, 2002 at Guwahati.

C. K. Roy

— 10 —

Dovered

19

DEPARTMENT OF POST : INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES
ARUNACHAL PRADESH DIVISION
ITANAGAR-791 111.

MEMO.NO.B-1/Staff/Rtg/Corr

Dated at Itanagar the 14.9.2000

Shri.Chandan Kumar Roy is selected to work as Casual Driver, Inspection Vehicle, o/o the DPS, Itanagar until further order.

The arrangement is purely Casual and may be terminated at any time without notice.

Wesley for 3w

(R.K.B.SINGH)
Director of Postal Services
Arunachal Pradesh Division
Itanagar-791 111.

copy to:-

- 1.P.M.Itanagar H.O. for information & n/a.
- 2.Mail Branch, o/o the DPS/Itanagar
- 3.Shri.Chandan Kr.Roy, Casual Driver, O/O The DPS/Itanagar.
- 4.o/c.

Director of Postal Services
Arunachal Pradesh Division
Itanagar-791 111.

12-
Dinner 10-11
V

DEPARTMENT OF POST:INDIA
O/O THE DIRECTOR OF POSTAL SERVICES:ARUNACHAL PRADESH
ITANAGAR-791 111

NO:B-1/Staff/Rlg/Corr

Dated at Itanagar the 09.12.99

TO

Shri.Chandan Kumar Roy, (C/Driver)

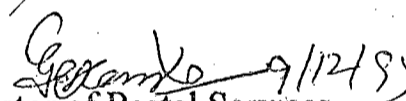
C/O,Shri.P.K.Das,P.A.,

O/O.D.P.S,Itanagar-791 111

Sub:- Application for the post of Casual Driver

Ref:-Your Application Dt. 03.12.99

Please submit Xerox copy of your Driving Licence in connection with the subject mentioned above for further necessary action .


Director of Postal Services
Arunachal Pradesh
Itanagar-791 111

13 B

GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF LABOUR AND EMPLOYMENT
EMPLOYMENT EXCHANGE, NABARLAGUN

IDENTITY CARD

(Not an introduction card for interview with employers)

1. Name of applicant Shri. Chandan K. R.
2. Date of Registration 18/6/99
3. Registration No. 275/99
4. N.C.O. Code No 98660

INSTRUCTIONS TO APPLICANT

- | | |
|--|--|
| (a) Bring this card with you whenever you come to the Exchange. | Date before which registration should be renewed
<u>18/6/2002</u> |
| (b) Quote your Registration Number and N.C.O. Number whenever you write to the Exchange. | |
| (c) Renew your Registration every one year. | |
| (d) Renewed within 30 days from the date of renewal. | |
- If you do not renew by the due date your registration will be cancelled.

Asstt. Director (Employment & Training)
Govt. of Arunachal Pradesh
Nabarlagun - 791110

— 14 —

Answer - C

22

DEPARTMENT OF POST INDIA
D.O. THE DIRECTOR OF POSTAL SERVICES : ARUNACHAL PRADESH
ITANAGAR - 791 111

NO B-I/Staff/Rtg/Corr

Dated at Itanagar the 20.1.2000

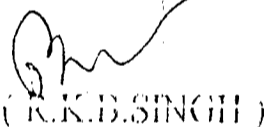
TO

Sd/- Chandan. Pr. Roy,
C/o Capital Hardware,
H. Secho, Langa, Itanagar.

Subject: Recruitment of Driver at the D.O. D.P.S. Itanagar.

Please submit application i/c/w the subject mentioned above along with the Edn. Certificate, Birth Certificate, Driving Licence, Passport size photographs (2) within 15 (fifteen) days from the date of receipt of this letter.

The applications should reach this office within the stipulated time, otherwise the same will be treated as rejected.



(R.K.B. SINGH)
Director of Postal Services
Arunachal Pradesh
Itanagar- 791 111

DEPARTMENT OF POST:INDIA
O/O THE DIRECTOR OF POSTAL SERVICES: ARUNACHAL PRADESH
ITANAGAR - 791 111

NO:B-1/Staff/Rlg/Corr

Dated at Itanagar the 03.8.2000

TO

Shri. Ghandan. K. Ray,
S/o. Capital Hardware,
H. Sector, Eranga, Itanagar.

Sub:- DPC for Recruitment in the post of Driver at the O/O the D.P.S, Itanagar.

Please refer this office letter of even No. dt. 20.4.2000, you are hereby asked to report on 06.9.2000 at the office of the Director of Postal Services, Itanagar at 09.00 A.M. Positively to attend the interview i/c/w the subject mentioned above.

Please brought forward the original certificates including experience certificate for the verification purpose.



(R.K.B.SINGH)

Director of Postal Services
Arunachal Pradesh Division

MS-95

INDIAN POST & TELEGRAPHIC DEPARTMENT

IDENTITY CARD, NO. 110/15-5-70

ED Casual Driver

Valid upto 31-5-2001 Initial _____
 Renewed upto _____
 RENEWED UPTO _____
 Renewed upto _____
 Renewed upto _____



15/5/2000
 Dy. Supdt. of Post Offices
 Arunachal Pradesh Division
 Itanagar-791111

1. Name: Shri Chandan Khe Roy
2. Father's Name: Shri Anukul Ch. Roy
Vill: Bura Bura P/S: Mankabhangra
Dist: Looch Bihor P.O. - Jambhara (WB)
3. Appointment held (Designation): Casual Driver
Office Director of Postal Services
1. Identification mark (1) cut mark on the (2) upper left of
left thumb.
5. Height: 5'4"
6. Date of Birth: 19-9-1973 (a) Nationality Indian
7. Signature of holder: _____ Sig. of identities.
8. Signature of authority: _____
 with office seal.
9. Designation of issuing authority: _____

15/5/2000
 Dy. Supdt. of Post Offices
 Office Seal
 Arunachal Pradesh Division
 Itanagar-791111

INSTRUCTIONS TO THE HOLDER :-

1. The person to whom this card is issued is responsible for its safe custody.
2. The card must be surrendered to the issuing authority in the event of promotion to gazetted rank, transfer, discharge or retirement from service.
3. In case of loss, theft act should be reported immediately.
4. This card should be forwarded to the issuing authority for renewal during the month of December every year through the Head of the office.

— 17 —

Dro of use-12
vs

DEPARTMENT OF POST : INDIA
OFFICE OF THE DIRECTOR OF POSTAL SERVICES
ARUNACHAL PRADESH DIVISION
ITANAGAR-791 111.

MEMO.NO.B-1/Staff/Rlg/Corr

Dated at Itanagar the 29.12.2000

3

Shri.Chandan Kumar Roy who was working as Driver, Inspection Veehicle, o/o the DPS Itanagar as a purely casual basis has been discharged from the service with immediate effect.

120/01

(R.K.B.SINGH)
Director of Postal Services
Arunachal Pradesh Division
Itanagar-791 111.

Copy to :-

- 1.P.M.Itanagar HPO for information and n/a.
- 2.Mail Branch o/o the DPS Itanagar
- 3.Shri.Chandan Kumar Roy, Casual Driver o/o the DPS/Itanagar
- 4.O/C

Director of Postal Services
Arunachal Pradesh Division
Itanagar-791 111.

Attested
Kunal Singh
Dro of use-12

To

Shri V.ChettleI(IPS)
The Chief Postmaster General,
North East Circle
Shillong-793001

Sub:-

AN APPEAL TO REINSTITUTE AS PROVISIONAL/CASUAL DRIVER
AT ITANAGAR./

Sir,

I beg to lay before you for few lines for your kind and sympathetic action please.

That Sir, I have been selected with the interview/DPC in Post of Driver at Itanagar and my Provisional/Casual Driver appointment has been offered by the DPS, AP, Itanagar vide No.B-I/Staff/Rlg/Coor dated 14/09/2000. Accordingly I have joined in my duty (as directed) as Driver, Ins. Vehicle, O/O DPS, AP, Itanagar. Here it can mention that I have served as daily wage Driver, Ins. Vehicle, Itanagar since 10/11/1999 to 14/09/2000 and thereafter as Casual Driver w.e.f. 15/09/2000 on the same Post with same vehicle. I have served with my label best honesty, loyalty and duty. But suddenly, the DPS Itanagar vide his Memo No.B-I/Staff/Rlg/Coor dated 29/12/2000 has been discharged from the duty.

That Sir, the condition of Ins. Vehicle No.AR-01/2527 no so good as vehicle always moves in tough road of Arunachal Pradesh. The vehicle already expired the life time more than 6 Years since 1994 and there was no proper maintance through departmental MMS/reputed dealers. The CB, Point, Condenser, Solener swice of Dianoma, Battery were weak. The Vehicle moved at Shillong and stay there w.e.f. 16/10/2000 to 21/10/2000. During that time the Circle Officer mechanic Mr. Bhattacharjee, Driver Mr.A.Basumatary also witnessed those defect. On 15/11/2000 the CB Point Condenser/Selfstarter of vehicle not functioned and vehicle failed to self start. However the vehicle managed to start after arrival of Staff on office duty by pushing the vehicle. On that day I managed to bring the DPS at Office at 0940 hours, due to that vehicles fault. Since then DPS, Itanagar keep the vehicle off road and keep me put off duty upto 28/12/2000. Thereafter on 29/12/2000 I was discharged from the duty.

Contd...P/2

After my discharge from duty, the said vehicle repaired and now on the duty, ^{with} the another Driver. I have requested to DPS, Itanagar to engage me either at Ins. Vehicle or MMS as those are working and Causal Driver engaged one who is disqualified in DPC/Interview. But every movement my request become nul and void.

As there is no other alternative channel to reconsider the case, I appeal with the folded hand to your honour to review my case with proper justice.

I shall remain ever grateful to you.

Yours faithfully,

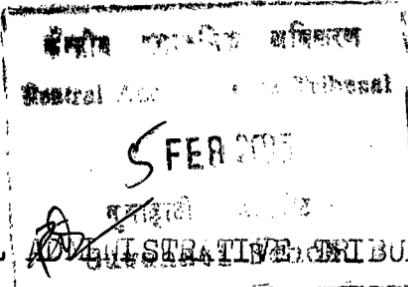
Encl: A copy of
appointment order and
discharge order.

Dated Itanagar the
13th March'2001.

(CHANDAN KR.ROY)
Driver.

Sp. Secy S.K. Sonawale
Regional Office
State Bank of India
Itanagar - 691111

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

Filed by 28
5/2/03
(A. DEBROY)
Sr. C. S. C.
C. A. T. Guwahati Bench

O.A. NO 207 OF 2002

Shri Chandan Kr Roy.

-vs-

Union of India & Ors.

- And -

In the Matter of ::

Written statement submitted by
the respondents.

The respondents beg to submit Brief History of the
Case which may be treated as a part of written statement.

Shri Chandan Kr. Roy was selected to work as Casual
Driver Inspection Vehicle, O/O the DPS Itanagar purely on
casual basis vide this office Memo No- B-1/Staff/Rlg/Corr
dated 14.09.2000 (Copy attached as annexure - A). In the
said memo it was clearly mentioned that the arrangement was
purely Casual and may be terminated at any time without
any notice and Shri Chandan Kumar Roy accepted the order
and joined duty on 14.09.2000. He was then terminated
from the post of casual Driver vide this Office Memo No-
B-1/Staff/Rlg/Corr dated 29.12.2000 (Copy enclosed as annexure
1st) as he was not found to be suitable to be kept engaged
as a Driver and to be absorbed as a Regular Driver in the
Department of Post. The order of termination was issued in
accordance to the term and condition laid down in this office

contd...P/2

Memo No-B-1/ Staff/ Rlg/ Cirr dated 14.09.2000.

PARA WISE COMMENTS. *written statements*

1. That with regard to para - 1 to 4.1 of O.A., the respondents beg to offer no comments.
2. That with regard to para - 4.2 of O.A., the respondents beg to state that the period mentioned in the said para viz - 12.11.99 as the date of his initial engagement cannot at all be taken into account as the engagement was on daily wage basis. Since Shri Chandan Kumar Roy was engaged as driver in the Inspection vehicle the outstation duty as mentioned in the para was a normal duty as the vehicle was mostly used for Inspection duty purpose and Inspection of Offices under DPS jurisdiction includes the whole of ~~Ar~~ Arunachal Pradesh State and maintenance of Log Book is the primary duty of the Driver an office vehicle. The appointment letter issued to the driver dated 14.09.2000 was issued purely as a casual appointment wherein it was clearly ~~mentioned~~ mentioned that the appointment may be terminated at any time without assigning any reason.
3. That with regard to para - 4.3 of O.A., the respondents beg to state that the selection was made by a DPC as per the usual procedures of the Department. The document cited by the application were called for in connection with holding the DPC.

contd....P/3

- 3 -

4. That with regard to para - 4.4 of O.A., the respondents beg to state that the period from 12.11.1999 to 13.9.2000 mentioned as engagement of the applicant as casual driver is not valid as the applicant was engaged without any departmental formality and he was working purely on daily wages. The period from 14.09.2000 to 29.12.2000 when the applicant was working was on casual basis as per this office order No. ~~XA~~ B-1/Staff/Rlg/Corr dated 14.09.2000 and it was clearly mentioned that the appointment was purely on casual basis which may be terminated at any time without assigning any reason.

5. That with regard to para - 4.5 of O.A., the respondents beg to state that the service of Sari Chandan Kr Roy as a casual driver was terminated for reason of unsatisfactory service and unsuitable for the job. The Identity Card referred to as annexure - E in the said para was issued to facilitate the applicant to move freely on duty along with the vehicle throughout the state of Arunachal Pradesh where the inner line permit is required for everyone moving in and around the state.

6. That with regard to para - 4.6 of O.A., the respondents beg to state that the Inspection vehicle was 6 years ~~old~~ old, however maintenance work is always carried out and therefore the vehicle is still running in good condition now also.

contd....P/4

7. That with regard to para - 4.7 of O.A., the respondents beg to offer no comments.
8. That with regards to para - 4.8 of O.A., the respondents beg to state that since the post had become vacant on termination of the applicant who was a casual driver, the post needed to be filled up in the interest of service, hence application was called from the Employment Exchange in order to fill up the vacant post.
9. That with regard to para 4.9 of O.A., the respondents beg to state that as stated earlier, the appointment of the applicant was made purely as casual status and it was categorically mentioned that the appointment of the applicant may be terminated at any time without assigning any reason to which he had accepted and therefore joined his assignment as driver without any objection to any of this office order.
10. That with regard to para - 4.10 & 4.11 of O.A., the respondents beg to offer no comments.
11. That with regard to para - 5.1 of O.A., the respondents beg to state that the facts already mentioned in para - 4.9 above.

- 24- 32
12. That with regard to para - 5.2 of O.A., the respondents beg to ~~xxxxx~~ offer no comments.
13. That with regard to para - 5.3 of O.A., the respondents beg to state that the applicant worked purely on casual basis for the period w.e.f. 14.09.2000 to 29.12.2000 on formal appointment order, the period prior to the above date cannot be treated as on duty as it was an informal arrangement. Mere continuance in service for a particular period may not constitute the main criteria for absorbing a casual driver in a regular employment of keeping him engaged as Driver in a Govt. office.
14. That with regards to para - 5.4 of O.A., the respondents beg to state that holding DPC and interview is the usual procedure of the department.
15. That with regard to para - 5.5 to 12 of O.A., the ~~respondents~~ respondents beg to offer no comments.

V E R I F I C A T I O N ...

V E R I F I C A T I O N .

I, Shri Nakesh Chandra Halder presently
working as *By. Superintendent of Post Offices* be duly authorised
and competent to sign this verification, do hereby solemnly
affirm and state that statements made in para 1 to 15
are true to my knowledge and belief, these
made in para are true
to my information derived therefrom and the rest are my
humble submission before the Hon'ble Tribunal, I have not
suppressed any material facts.

And I sign this verification on this 5 th day
of February, 2003.

N.C. Halder
Declarant *4/02/2003*
(N.C. HALDER)
By Superintendent of Post Offices
Arunachal Pradesh Division
ITANAGAR-791111