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NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

15.11.2006

OA No.41/2006

Mr. C.B. Sharma, Counsel for applicant.
None present for respondents.

This case has been listed before the Deputy Registrar due to non availability of Division Bench. Be listed before the Hon'ble Bench on 04.01.2007.


DEPUTY REGISTRAR


AHQ


04-01-2007

Mr. C. B. Sharma, Counsel for applicant
Mr. S.S. Hassen, Counsel for respondents

Heard the learned Counsel for the parties.

For the reasons dictated separately, the DA is ~~also~~ disposed of.


(J.P. Shukla)
M(A)


(M.L. Chauhan)
M(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 4th day of January, 2007

CORAM:

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDL.)

HON'BLE MR. J.P.SHUKLA, MEMBER (ADMV.)

ORIGINAL APPLICATION No.41/2006

Jagdish Prasad Danodia
s/o Shri Kurda Ram Danodia,
aged about 40 years,
r/o Ward No.43, Ambedkar Nagar,
Fatehpur Road, Sikar,
Gramin Dak Sevak Mail Career,
Sikar Head Post Office and
presently working as Group 'D',
Office of Superintendent of Post Offices,
Sikar Postal Division, Sikar.

.. Applicant

(By Advocate: Shri C.B.Sharma)

Versus

1. Union of India through its Secretary to the Govt. of India, Department of Posts, Ministry of Communication and Information Technology, Dak Bhawan, New Delhi.
2. Post Master General, Rajasthan Circle, Jodhpur.
3. Superintendent of Post Offices, Sikar Postal Division, Sikar.

.. Respondents

(By Advocate: Shri S.S.Hasan)

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O R D E R (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:-

- (i) That the respondents may be directed not to disturb the applicant from the present post of Group 'D' in the office of respondent No.3 and to allow to continue on the post till regular selection is made with all consequential benefits.
- (ii) Any other order, direction or relief may be passed in favour of the applicant which may be deemed fit, just and proper under the facts and circumstances of the case.
- (iii) That the costs of this application may be awarded.

2. Briefly stated, facts of the case are that the applicant was initially engaged as Gramin Dak Sevak (GDS) Sikar Head Office on 1.11.1985. While working as such, he was asked to work on Group 'D' post purely on ad-hoc basis w.e.f. 2.3.1005 (A/N). The applicant has placed on record copy of the charge report whereby he was handed over the charge of Group 'D' post in Sikar Head Post Office as Ann.A1. The apprehension of the applicant is that he may not be continued against the Group 'D' post till the said post is filled on regular basis. It is on the basis of above facts the applicant has filed this OA thereby praying for the aforesaid reliefs.

3. Notice of this application was given to the respondents. The respondents have filed reply. In the reply, the facts as stated above, have not been disputed. It is further stated that the applicant who

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was working as Gramin Dak Sevak in Sikar Head Office was engaged to work on Group 'D' post purely on ad-hoc basis w.e.f. 2.3.2005 (afternoon) and he was sent back to his original post on 2.2.2006. It is further stated that such engagement of the applicant was purely on ad-hoc basis against leave vacancy. It is further stated that in the Department of Posts short term arrangement on the post of Group 'D' and Postman are made as per the guidelines given in Appendix-6 of the Postal Manual Volume IV by engaging outsiders on the vacant post in the offices in which the number of Postman and Class IV staff together does not exceed four. No fresh casual labour is engaged. It is further stated that as per the order issued by the DG Post, New Delhi on 21.12.92, if a substitute is to be engaged to man the Group 'D' leave vacancy, it can be done only on short terms basis and for this also only the EDAs (Now GDS) can be engaged and not any outsider. The respondents have also placed on record, copy of the said instructions on record as Ann.R1. It is further stated that in the office of Superintendent of Post Offices, there are three Group 'D' staff. One post was temporarily vacant due to leave of the incumbent, Shri Suwa Lal, who proceeded on leave due to his illness. Therefore, the applicant who is GDS and working in Sikar Head Office in the same premise was engaged to work on the Group 'D' post purely on temporary basis w.e.f. 2.3.2005 afternoon. Thus, the

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engagement of the applicant was purely on temporary basis and on leave vacancy. It is further stated that Shri Suwa Lal has extended his leave in many spells due to his long illness and the applicant was continued on the leave vacancy. He was paid the minimum allowances of the Group 'D' post by issuing month-wise sanctions. It is further stated that the applicant was GDS of the Department and not the casual labour. He was engaged as Group 'D' by virtue of his GDS status and he was paid the allowances for the period for which he worked on the post. It is further stated that his engagement as outsider was terminated and a regular Group 'D' post from Sikar Head Office was transferred to work in the office of the Superintendent of Post Offices, Sikar. According to the respondent, the period from 3.3.05 to 2.2.06 has been treated as leave without allowance on the post of GDS, Sikar Head Office. Thus, the applicant has got no case whatsoever.

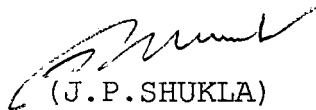
4. We have heard the learned counsel for the parties and gone through the material placed on record.

5. We are of the view that the applicant has not made out any case. Admittedly, the applicant who was working as GDS was given temporary charge of Group 'D' post against leave vacancy of Shri Suwa Lal who proceeded on leave due to illness. Such a course was

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admissible to the respondent in terms of the order issued by the DG Posts, New Delhi dated 21.12.92 (Ann.R1) and also as per the guidelines given in Appendix-6 of the Postal Manual Volume IV. Such arrangement was terminated when a regular Group 'D' was transferred from Sikar Head Office to work in the office of the Superintendent of Post Offices, Sikar. The ~~natural~~ consequence of such arrangement was that the applicant has to be sent back to his original post. Thus, according to us, there is no infirmity in the action of the respondents.

6. For the foregoing reasons, we see no force in this OA, which shall stand dismissed with no order as to costs.


(J.P. SHUKLA)

Administrative Member


(M.L. CHAUHAN)

Judicial Member

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