

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO. 170/00893/2016

DATED THIS THE 13TH DAY OF OCTOBER, 2017

HON'BLE DR. K.B. SURESH, MEMBER (J)
HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A)

Shantha K,
Age: 31 years,
W/o Maheshwarappa,
EX BPM, Puradalu B.O.
Shimoga – 577 205.
Residing at
Shanthipura,
Puradalu P.O.
Shimoga - 57705

.....Applicant

(By Advocate Shri P. Kamalesan)

Vs.

1. Union of India,
Represented by Secretary,
Department of Post,
Dak Bhavan,
New Delhi – 110 001.

2. Post Master General,
S.K. Region,
Bangalore – 56001.

3. Chief Post Master General,
Karnataka Circle,
Bangalore – 56001.

4. Superintendent,
RMS 'Q' Division,
Bangalore – 560 026.

....Respondents

(By Shri M. Swayam Prakash, Senior Central Government Counsel)

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

Heard. The applicant is a temporary incumbent in a post vacated by a regular employee. She had served for about two years when she was terminated from service. She seeks support from paragraph 11 of Annexure-R3 where it is stipulated that:

“It has been decided that these posts will be notified with a clear indication in the notification that the vacancies are only temporary and if the regular incumbent is later reappointed, the selected candidate will be accommodated in any other vacant post available at that time.”

2. But the learned counsel for the respondents submits that what is to be looked into is DGP&T letter No.43-4/77-Pen., dated 18.05.1979 and Circular No. 19-34/99-ED & Trg., dated 30.12.1999 which is extracted below:

“2. Efforts should be made to give alternative employment to ED Agents who are appointed provisionally and subsequently discharged from service due to administrative reasons, if at the time of discharge they had put in not less than three years’ continuous approved service. In such cases, their names should be included in the waiting list of ED Agents discharged from service, prescribed in D.G.P.&T., Letter No. 43-4/77-Pen., dated 23-2-1979.”

Therefore, a person to be kept in the waiting list must have a mandatory three year waiting period and the vacancy due to POD, as stated in Annexure-R3, is only with regard to such people who are compliant with the regulations, i.e., having more than 3 years of service as temporary employee. Applicant not

being the same, it cannot be held that she is eligible for putting in a waiting list for a regular employment.

3. Therefore finding no merit in the OA, the OA is dismissed. No order as to costs.

(PRASANNA KUMAR PRADHAN)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No. 170/00893/2016

Annexure A1: True copy of Superintendent of Post Offices, Shimoga Notification vide letter No.SMG/B-11/STA/2392 dated 11.09.2013

Annexure A2: True copy of Superintendent of Post Offices, Shimoga letter No.SMG/B11/STA/2392 dated 21.02.2014

Annexure A3: True copy of Superintendent of Post Offices, Shimoga letter No.SMG/B11/STA/2392 dated 19.03.2014

Annexure A4: True copy of Assistant Superintendent of Post Offices, Shimoga West Sub-Division, letter No.SA(W)/PF/BPM/Puradalu BO/2014 dated 15.04.2014

Annexure A5: True copy Superintendent of Post Offices, Shimoga letter No.SMG/B-II/STA/2392 dated 01.04.2016

Annexure A6: True copy of Superintendent of Post Offices, Shimoga letter No.SMG/B-II-STA/1953/PE dated 09.08.2016

Annexure A7: True copy of Rule 8 of GDS (Conduct & Engagement) Rules, 2011

Annexure A8: True copy of order of Hon'ble High Court of Punjab and Haryana in RSA No. 1373 of 1988 dated 08.11.2011 Kartar Singh Vs. Haryana State and others

Annexures with reply statement:

Annexure R1: True copy of memo of put off duty of Shri H.G. Prakash, GDS.

Annexure R2: True copy of proceedings Memo No. SMG/F4-2/2013-14 dated 25.02.2016 issued to Shri H.G. Prakash, GDS

Annexure R3: True copy of CPMG, Bangalore letter No. R&E/2-94/GDS DR/2015/I dated 14.08.2015 regarding revised selection process for engagement to all approved categories of GDS posts.

Annexure R4: True copy of DGP&T, Letter No.43-4/77-Pen., dated 18.05.1979 and Circular No. 19-34/99-ED & Trg., dated 30.12.1999

Annexure R5: True copy of Letter No. SK/STA/35-4/GDS/SMG dated 31.08.2016 issued by the PMG to the Superintendent of Post Offices, Shimoga
