

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**PATNA BENCH, PATNA**  
**OA/050/00435/15**

Date of order: 29.03.2019

**C O R A M**

**HON'BLE MR. JAYESH V. BHAIKAVIA, JUDICIAL MEMBER**  
**HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER**

Kamleshwar Thakur, S/o Sri Ramahar Thakur, Village & PO – Barmasawa,  
Via- Turkaulia, PS- Harsidhi, District- East Champaran.

.... Applicant.

By Advocate: - Mr. J.K. Karn

-Versus-

1. The Union of India through the D.G. Cum Secretary, Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna.
3. The Postmaster General, Northern Region, Muzaffarpur.
4. The Superintendent of Post Offices, Champaran Division, Motihari.
5. The Inspector Posts, South Sub Division, Motihari.

.... Respondents.

By Advocate: - Mr. Deepak Kumar

**ORDER**  
**[ORAL]**

**Per Dinesh Sharma, A.M:-** The case of the applicant is that he was appointed against the post of Gramin Dak Sevak Mail Deliverer/Mail Carrier (**GDS MD/MC**) at Patjilwa Branch Post Office in account with Majharia TSO in Champaran Postal Division, Motihari, since the year 2001, and has been working there without any complaint. In the year 2007, the post of Gramin Dak Sevak Branch Post Master (**GDSBPM**) at Patjilwa Branch Post Office in account with Majharia TSO fell vacant and the applicant was ordered to work against the said post without any extra remuneration. This post (of GDSBPM) was advertised to be filled vide Employment Notice dated

16.07.20908. However, it was not filled on account of there not being sufficient work and other reasons. The applicant has been working against that post for more than 8 years. The applicant applied for being appointed against this post in 2012 and for staying the process of new appointment. He has come to know that without considering his representation, another person has been appointed to this post, in a clandestine manner. The applicant has prayed for staying this process and for appointing him to the post on ground that his representation before the higher authorities praying for the same is pending. He has also cited other cases where similar process of filling posts (from existing employees working against another post close by, by combining two posts, without going through fresh selection process) has been resorted to, and specifically quoted the decision of this Tribunal in OA/050/00074/2014.

2. The respondents have filed their written statement in which they have denied the claim of the applicant. They have alleged that the applicant was initially engaged as GDS packer. After his having become surplus, he was accommodated against the vacancy of GDS MD/MC in the year 2001. They have also denied all the claims of the applicant about their being lesser work and his capability to handle both the jobs (GDSMD/MC and GDSBPM) together. The Department has filled the post of GDSBPM in order to ensure smooth functioning of the Branch Office and the applicant has no right to keep this post unfilled or given to him in addition to his original charge. The W.S. has offered no comments on the decisions of this Tribunal cited in paragraphs 4.20 and 4.21 of the OA. The applicant did not file any rejoinder.

3. We have gone through the pleadings and heard the learned counsels of both the parties. Prima-facie, there appears to be no right vested in the applicant to have him appointed to another job with the respondents (clubbed with his present job), just because he had been put in additional charge of that job for long years. If (as alleged by respondents in their W.S. and not denied by the applicant by filing any rejoinder) the respondents have filled the vacant post after considering the need to fill it, the applicant cannot make a claim about knowing the work-needs better than the respondents and also be a judge himself of his ability to handle the two jobs.

4. The respondents have not made any specific comments about our earlier judgments (annexed as Annexure A/10 of the OA), allegedly on the same issue. However, we have gone through these decisions. In these cases, the matter was remitted back to the respondent department for assessing the work-load before deciding whether the posts can be combined or not. Since the respondents, in this present case, have categorically stated having done such assessment of work load before filling the post by a fresh appointment, we do not see any reason for granting the prayer of the applicant on this ground.

6. The OA is therefore dismissed. No order as to costs.

**[ Dinesh Sharma ]**  
**Administrative Member**  
**Srk.**

**[Jayesh V. Bhairavia]**  
**Judicial Member**