



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

OA No. 1113 of 2002

Reserved on : 07.03.2016

Dated of order : 07.03.2016

PRESENT:

THE HON'BLE MR. JUSTICE V.C. GUPTA, JUDICIAL MEMBER

THE HON'BLE MS. JAYA DAS GUPTA, ADMINISTRATIVE MEMBER

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TARASANKAR DAS & ORS

V/S

UOI & ORS (POSTS)

For the Applicants : Mr. S.K. Dutta, Counsel

For the Respondents : Mr. P.N. Sharma, Counsel

ORDER

JAYA DAS GUPTA AM:

This OA has been filed by the applicants under section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

"8. RELIEF SOUGHT:

(a) An order granting leave to the applicants under rule 4 (5) (a) of the Central Administrative Tribunal (Procedure) Rules to move this application jointly;

(b) An order quashing and/or setting aside the impugned notification inviting applications for filling up 30 vacancies of GDS Mailmen at Mail Agency Howrah, R.M.S. P.I Unit Howrah;

(c) An order directing the respondents to consider the case of the applicants for absorption as GDS Mailmen before taking any step for filling up the

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post of GDS Mailmen lying vacant at Mail Agency Howrah R.M.S. P.I. Unit by inviting applications from outsiders and/or to absorb them against suitable group D posts in a time bound manner.

(d) Any other order or further order/orders as to this Hon'ble Tribunal seem fit and proper."

2. The issues involved in this case being similar to the issues involved in OA No. 1033 of 2002 both the cases were heard analogously. Having heard the learned counsel for both sides, we have perused the records of this case.

3. After making through discussions this Tribunal vide separate order dated .03.2016 dismissed OA No. 1033 of 2002. Relevant portion of the order is extracted hereunder for ready reference:

"9. Admittedly, in this case, the applicants were not sponsored through Employment Exchange. No Employment Card has been annexed to prove to the above effect. The document at Annexure-A/2 is only in respect of only one applicant namely A.K.Das. There are no such cards for the remaining other applicants. The document at Annexure-A/4 clearly shows that the applicants are continuously working only from March, 1992. The document at Annexure-A/5 is the disputed/allegedly fraudulent document whose evidential value is questionable. It is to be noted that all the above documents are submitted by the applicants. The Applicants, despite adequate opportunities, failed to prove that they have completed 480 days in two years. The Government orders also lay down the eligibility clause of working for at least 480 days in two years as a part time casual worker. There is no scrap of paper available on record that they worked continuously for two years. The burden of proof of completion of the required number of days is on the applicants. This view is fortified by the decision of the Hon'ble Apex Court in the cases of **Range Forest Officer vs S.T.Hadimani** (2002) 3 SCC 25 and

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Surendranagar District Panchayat and Anr vs Jeethabhai Pitamberbha, JT 2005 (9) SC 163.

10. In view of the discussions made above, we do not find any justifiable ground to interfere in this matter. Accordingly, this OA stands dismissed. There shall be no order as to costs."

4. In this case also, the Applicants, despite adequate opportunities, failed to discharge the onus in providing the fact that any of them have completed 480 days in two years. The documents placed on record do not substantiate to the above effect. The Government orders also lay down the eligibility clause of working for at least 480 days in two years as a part time casual worker. There is no scrap of paper available on record that they worked continuously for two years prior to 07.06.1988. The burden of proof of completion of the required number of days is on the applicants. This view is fortified by the decision of the Hon'ble Apex Court in the cases of **Range Forest Officer vs S.T.Hadimani (2002) 3 SCC 25** and **Surendranagar District Panchayat and Anr vs Jeethabhai Pitamberbha, JT 2005 (9) SC 163.**

5. In view of the discussions made above, we do not find any justifiable ground to interfere in this matter. Accordingly, this OA stands dismissed. There shall be no order as to costs.

(Jaya Das Gupta)
Admn. Member

(Justice V.C. Gupta)
Judicial Member