

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA



OA. 1357 of 2013

Date of Order: 19.01.2016.

Present : Hon'ble Mr. Ashok Kumar Patnaik, Judicial Member.
Hon'ble Ms. Jaya Das Gupta, Administrative Member

Sri Subrata Pradhan, son of Sri Kartik
Chandra Pradhan, Village & P.O. – Kulai,
P.S. Ketugram District- Burdwan,
Pin- 713143.

.....Applicant.

-versus-

1. The Union of India service through the
Secretary Department of Post, Dak
Bhawan, New Delhi- 110011.
2. The Senior Superintendent of Post Office,
Burdwan Division, Burdwan- 713101.
3. The Chief Post Master General, West
Bengal Circle, Yogayog Bhawan,
Kolkata- 700012.
4. The S. D. I(P), Bhatar Sub Division,
P. O.- Bhatar, District- Burdwan-
713125.
5. The Post Master, Katwa, P.O.-
Katwa, District- Burdwan- 713130.

..... Respondents.

For the Applicant : Ms. K. Banerjee, Counsel

For the Respondents : Ms. R. Basu, Counsel

ORDER

Ms. Jaya Das Gupta, AM:-

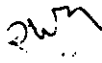
The applicant Shri Subrata Kumar Pradhan had applied under Section 19 of Administrative Tribunal Act, 1985 seeking the following reliefs:

"8(a) Forthwith direct the concerned respondent authority to do the needful in the matter of issuance of order of regular appointment in the post of GDSBPM, Kulai B.O. in favour of the applicant.

(b) To forthwith consider and dispose of innumerable representations and reminders by taking proper steps by the concerned authority in the matter of issuance of order of regular appointment in the post of GDSBPM, Kulai B.O in favour of the applicant, since application was made within the prescribed time limit and in conformity of the Rules and upon deposit of necessary documents and papers and since the applicant is legally entitled for such appointment.

(c) Non consideration of the several representations of the applicant."

2. The case concerned is that Shri Subrata Kumar Pradhan, the applicant was appointed provisionally in the post of GDSBPM, Kulai in place of regular incumbent of Shri Bikash Chandra Majhi who was placed under put off duty in connection with a fraud case. The appointment letter at Annexure A-3 which was issued on 10.01.2003 mentioned that Shri Subrata Kumar Pradhan was provisionally appointed against the **short term temporary vacancy** to the post of GDSBPM, Kulai Branch Office. It was also reiterated that Shri Subrata Kumar Pradhan should clearly understand that if ever Sri Bikash Chandra Majhi was taken back into service, the provisional appointment of Shri Subrata Kumar Pradhan will be terminated without any notice. Also the Senior Superintendent of Post Offices, Burdwan Division reserves the right to terminate the provisional appointment at any time without notice and without assigning any reason.

/s/ 

3. Shri Subrata Kumar Pradhan joined against the temporary post in terms of the provisional appointment letter dated 10.01.2003 with the clear understanding that his services may be terminated without assigning any reason if the regular incumbent Shri Bikash Chandra Majhi was taken back into service or till regular appointment was made.

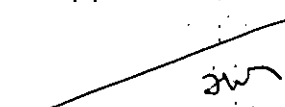
4. Shri Majhi was finally removed from service as a result of Disciplinary Proceeding. He had filed OA. 611/08 and OA. 1717/09 which were disposed of on 11.07.2008 and 25.09.2012. After the dismissal of Majhi's case in CAT, regular recruitment process was taken up to fill up the post of GDSBPM, Kulai Branch Office. Being aggrieved the applicant filed the instant OA for regularisation of his appointment to the post of GDSBPM.

5. The relevant appointment letter as annexed at Annexure A-3 is set out below:

"Memo: No. A/Kulai B.O.

Dated at Burdwan, the 10.01.2003

1. Whereas Sri Bikash Chandra Majhi, Ex-GDSBPM, Kulai B.O. having placed under put off duty pending finalisation of disciplinary proceedings and judicial proceedings against him and the need has arisen to engage a person to look after the work of GDSBPM, Kulai B. O., the undersigned has decided to made a **provisional appointment against the short term temporary vacancy** to the said post.
2. The **provisional appointment is tenable till the disciplinary proceedings against Sri Bikash Chandra Majhi are finally disposed of and he has exhausted all channels of departmental and judicial appeals and petition etc and in case it is finally decided not to take Sri Bikash Chandra Majhi back into service till regular appointment is made.**
3. Sri Subrata Kumar Pradhan, S/O, Kartik Chandra Pradhan, Vill- Bhatar Chatti, P.O. Bhatar, Dist- Burdwan is offered the provisional appointment against the short term temporary vacancy to the post of GDSBPM, Kulai B.O. **Sri Subrata Kumar Pradhan should clearly understand that if ever Sri Bikash Chandra Majhi back into service, the provisional appointment will be terminated without any notice.**



4. The Sr. Supdt. of PO's, Burdwan Divn. Burdwan reserves the right to terminate the provisional appointment any time before the period mentioned in Para-2 above without notice and without assigning any reason.
5. Sri Subrata Kumar Pradhan will be governed by the Gramin Dak Sevak (Conduct & Employment) Rules 2001 and all other rules and order applicable to Gramin Dak Sevaks.
6. In cases the above conditions are acceptable by Sri Subrata Kumar Pradhan, he should sign the duplicate copy of this memo and return the same to the undersigned immediately."

It is very clear from the above appointment letter 2 that in case it is finally decided not to take Shri Bikash Chandra Majhi back into service, the regular appointment will be made and till regular appointment is finalised the applicant Shri Subrata Kumar Pradhan will be function against that post of GDSBPM.

6. As the applicant has joined agreeing with the condition laid down in his appointment letter, we find that the applicant does not have any case to come before the CAT seeking for regular appointment against that post. We find there is no merit in this case and the case is fit to be dismissed. It is ordered that the case is dismissed.

7. Hence the case is dismissed. No costs.

(Jaya Das Gupta)
Member (A)

(Ashok Kumar Patnaik)
Member (J)

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