
(2014) 10 KAR CK 0094

In the Karnataka High Court

Case No : Writ Petition No. 76348/2013 (L-RES)

Suresh Bhovi

APPELLANT

Vs

The Sub-Postmaster

RESPONDENT

Date of Decision : 28-10-2014

Acts Referred:

Industrial Disputes Act, 1947 — Section 10

Citation : (2014) 10 KAR CK 0094

Hon'ble Judges : S.N. Satyanarayana, J

Bench : Single Bench

Advocate : Mrutyunjaya S. Hallikeri, Advocate for the Appellant; Mrutyunjaya Tata Bangi, CGSC, Advocate for the Respondent

Judgement

S.N. Satyanarayana, J.—The petitioner herein is impugning the award dated 18.09.2012 passed in C.R. No. 2/2006 before the Central Government Industrial Tribunal-cum-Labour Court, Bangalore, wherein an application filed by the petitioner seeking appointment as packer at the sub post office at Savanur is rejected. The case of the petitioner is that he was appointed as packer at the sub post office, Savanur on 10.12.1996 and was working as such till 30.07.2002. According to him, he was abruptly refused work from 01.08.2002. Hence, he filed an application before the CGIT raising an industrial dispute under Section 10 of the Industrial Disputes Act, which was referred for adjudication by Central Government Industrial Tribunal-cum-Labour Court and on adjudication, his reference was dismissed by order dated 18.09.2012. Being aggrieved by the same, the petitioner herein has come up in this petition seeking to quash the award dated 18.09.2012 passed in C.R. No. 2/2006 and also for a writ of mandamus directing the respondent to reinstate him into service with all other consequential benefits and back wages.

2. It is seen that the petitioner herein was substituting a person who was appointed as Extra Departmental Agent in the post office at Savanur. At this juncture, the learned Central Government standing counsel Sri. Mrutyunjaya Tata

Bangi would bring to the notice of this Court that, whenever a sub post office in village or in taluka place is located and where there is no scope for appointing a full time employee, an individual agent will be identified and appointed as Extra Departmental Agent to discharge the work of the postal department, which would be for short period of 2 to 3 hours in a day. It is his case that, with reference to the sub post office at Savanur, an Extra Departmental Agent was appointed by the postal department and when the said Extra Departmental Agent went on leave for indefinite period, a substitute was appointed for the said post from time to time. It is his specific case that, no appointment order was issued to a substitute who was taken to discharge the said work as substitute to Extra Departmental Agent. In case of Savanur sub post office, after the Extra Departmental Agent went on leave, several substitute employees were taken and the petitioner being one of them worked in the said sub post office from 10.12.1996 to 30.07.2002, which is subsequently discontinued. He would further bring to the notice of this Court about Rule 7 of the Department of Posts, Gramin Dak Sevak (Conduct and Employment) Rules 2001. In terms of the said rule, the person who is appointed as substitute to the Extra Departmental Agent will not be considered as an employee of the department and shall not have right to seek any claim over the said post. However, in the instant case, the petitioner would contend that after the Extra Departmental Agent went on leave, no other substitute employee was taken for the said post and it is only the petitioner who was continued in the said post from 1996 to 2002, thereafter, without assigning any reason, the work which was assigned was suspended and some other person was taken for the said service.

3. It is seen that, in the present proceedings, which is initiated by the petitioner by filing an application before the Central Government Industrial Tribunal-cum-Labour Court and the CGIT after recording the evidence and on going through the rules governing the appointment and continuation of service of Extra Departmental Agent and the persons substituting for them has come to a conclusion that the petitioner herein does not have any right vested in him either to seek regularization or continuation in the place in which he has discharged his duties temporarily for a period from 1996 to 2002. After hearing the learned counsel for the petitioner and as well as the learned CGSC, this Court is of the opinion that the award passed by the CGIT is just and proper. The finding given by it holding that the petitioner herein has no right to seek continuation of service in the said department in the light of the rules governing the appointment of substitute employees as Extra Departmental Agent under the Department of Posts, Gramin Dak Sevak (Conduct and Employment) Rules, 2001, also appears to be just and proper, which does not call for interference in this petition by this Court.

Accordingly, the writ petition is dismissed.