

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 2401/2001

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This the 4th day of February, 2003

~~ HON'BLE SH. KULDIP SINGH, MEMBER (J)

Pooran Chand S/o Late Mawasi Lal
Ex-Postman Firozabad (U.P.)

Residential Address
Village Davari P.O. Donkeli,
Distt. Firozabad (U.P.),
(By Advocate: Sh. D.P.Sharma)Applicant

Versus

1. Union of India
through Secretary
Ministry of Communication,
Department of Posts, New Delhi.
2. The Postmaster General
Agra Region, Agra.
3. The Superintendent Postoffices,
Mainpuri Division, Mainpuri.Respondents

(By Advocate: Sh. S.M.Arif)

O R D E R (ORAL)

Applicant was working as ED Packer from 12.11.1979. He appeared in the examination for 1997 for the post of Postman though he qualified the same but he could not be appointed even as an outsider candidate in the Distt. Mainpuri. Subsequently, the list was compiled by the regional office and thereafter the applicant was appointed as a postman in the Bulandshahar district on purely temporary basis. There he was imparted the training from 3.3.99 to 12.3.99. When he sought transfer to Agra region, he was transferred to Firozabad, which is now under district Mainpuri.

2. Respondents filed a reply vide Annexure A-1 terminating the services of the applicant and the reason assigned in the impugned order is that the candidature of the applicant has been cancelled for the postman cadre against the vacancies of

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surplus quota for the year 1999 for the SPO Bulandshahar vide Memo No.B-2/Exam.-98. Applicant has challenged the same. Applicant submits that since after his transfer from Bulandshahar to Firozpur Division under Rule 38, he is no more in the cadre of Bulandshahar district and he has been absorbed in the cadre of Mainpuri District, therefore, his services cannot be said to be surplus as vacancy is not available in Bulandshahar Division against the examination held in 1997 result declared in 1998.

3. However, the learned counsel for respondents points out that since the applicant was initially appointed against the vacancies in Bulandshahar division so he cannot claim that his appointment was against the vacancies available at Mainpuri district.

4. Admittedly, applicant was transferred to Mainpuri division under Rule 38 but that will not change his position with regard to his initial appointment. His initial appointment will remain to be that from Bulandshahar division. Since the vacancy against which the applicant was appointed was not available so he has been erroneously appointed by the department and the department can rectify that mistake. They have rightly passed the order of termination. No error is found. As such no interference is called for.

5. Hence, OA has no merits and is accordingly dismissed. No costs.


(KULDIP SINGH)
Member (J)

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