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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 2309 of 1999

New Delhi, this the 18th day of May, 2001

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL)

Ashok Kumar, adult S/o Late Ramkishan
V & P.O. Pahladpur (Bangar)
Delhi-110 042. ...Applicant

Place of Employment : Branch Post Office
Pahladpur Office.

(By Advocate: Shri Apurv Lal)

Versus

1. The Chief Post Master General Circle Office,
Meghdoot Bhawan,
New Delhi-110 001.
2. Senior Superintendent of Posts
North Division, Civil Lines,
Delhi-110 054. -RESPONDENTS

(By Advocate: Shri K.R. Sachdeva)

O R D E R

By Hon'ble Mr. Kuldip Singh, Member (Judl)

This OA has been filed by the applicant under Section 19 of the Administrative Tribunal's Act, 1985 seeking direction to the respondents to reinstate the applicant with full back wages and an order directing the respondents to regularise the applicant as Branch Post Master (hereinafter referred to BPH) Pahladur.

2. Facts in brief are that one Shri Gajraj Singh s/o Shri Ram Kishan who was the brother of the applicant was working as EDBPM, Pahladpur. He was declared successful for selection to the cadre of Postman Exam. and was relieved from the post on 12.4.97. Since it was not possible to make regular appointment against this

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post of EDBPM immediately the applicant Shri Ashok Kumar, brother of Shri Gajraj Singh was allowed to work as substitute EDBPM w.e.f. 12.4.97 (F/N) at the risk and responsibility of the applicant till regular appointment to the post of EDBPM was made. On 25.5.98, a registered letter addressed to one Shri Mahesh Kumar who was selected for appointment as EDBPM as per the relevant procedure was sent to him calling upon him to present all the relevant documents for completion of pre-appointment formalities but the applicant delivered the said letter to his own brother Shri Mahesh Kumar, who had also applied for the same post and did not deliver the letter to the approved candidate Shri Mahesh Kumar S/o Shri Ram Singh. This irregularity came to the notice of respondent No.2 and again Shri Mahesh Kumar S/o Shri Ram Singh was addressed to complete pre-appointment formalities and the charge of EDBPM, Pahladpur 80 was handed over to Shri Mahesh Kumar w.e.f. 1.12.1998.

3. The applicant in his OA has a different story to tell. He says that he was appointed on 30.1.1997 as BPM and on 1.12.98, one Mr. Vakil Sharma, Mail Oversear, Ashok Vihar, came to the branch office Pahladpur with Shri Mahesh Kumar and told the applicant that there were orders from higher authorites to terminate his services so he illegally terminated the applicant from service. The applicant allege that in the year 1998 he came to know that authorites are going to appoint some EDBPM for B.O. Pahladpur on regular basis who is having requisite

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qualification and experience. He also applied for the same. Despite the fact that the applicant was working satisfactorily to the entire satisfaction of his superiors but his services had been terminated and one Shri Mahesh Kumar had been appointed. Thus it is stated that the termination of the service of the applicant on 1.12.1998 is illegal and it is stated that since the applicant has worked for more than 240 days so he cannot be terminated.

4. I have heard the learned counsel for the parties and given my thoughtful consideration to the issue involved.

5. A reading of the OA itself shows that the applicant along with others was one of the candidates for the post of EDBPM and the selection to the post of EDBPM was made in accordance with the rules for the post of EDBPM etc. which is known as Extra Departmental Branch Post Master (Service and Conduct) Rules and since the applicant could not be selected for the said post and it is only one Shri Mahesh Kumar who had been selected so Mahesh Kumar had to be given an appointment. The applicant has not challenged the appointment of Sh. Mahesh Kumar at all so he cannot seek a direction to the respondents to be appointed as EDBPM, Prahladpur once he had been a candidate for the said post for which a selection has been held in accordance with the conduct rules and had been rejected. Hence I do not find that

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this court is competent to direct the respondents to appoint a particular individual particularly so when the applicant could not be selected when he was a candidate itself.

6. In view of the above discussion, I am of the considered opinion that the OA has no merits and the same is dismissed. No costs.


(KULDIP SINGH)
MEMBER(JUDL)

/Rakesh