

Central Administrative Tribunal
Principal Bench

OA No.117/95

New Delhi this the 16th Day of January, 1995.

Hon'ble Sh. N.V. Krishnan, Vice-Chairman (A)
Hon'ble Dr. A. Vedavalli, Member (J)

Subhash Chand Sharma
S/o Sh. Nathu Ram,
R/o Village Parpa, Tehsil Hapur,
Distt. Ghaziabad, U.P.Applicant

(By Advocate Dr. Surat Singh)

Versus

1. Sr. Supdt. Post Offices,
Ghaziabad, UP.
2. Inspector Post Offices,
Hapur, Distt. Ghaziabad, UP.
3. Secretary, Ministry of Posts,
Govt. of India, New Delhi.Respondents

ORDER(ORAL)

Hon'ble Mr. N.V. Krishnan:-

We have heard the learned counsel for the applicant. The applicant is a son of an Extra Departmental Branch Post Master(EDBPM) who retired on 9.3.93. It would appear that the Senior Superintendent of Post Offices, Ghaziabad Division had issued an order in this behalf on 24.2.93, a copy of which was also endorsed to the sub-Divisional Inspector, Hapur and he was asked to arrange relief of the retiring employee by making some provisional arrangement.

2. In pursuance thereof, the sub-Divisional Inspector issued the Annexure A-2 order dated 9.3.93, retiring Sh. Nathu Ram, EDBPM and he directed the applicant, son of the retiring employee, to take charge of the B.P.M., Parpa as an outsider official, making it clear to him that this is only a temporary arrangement and that he or any officer senior to him could terminate his services without any notice.

Q

3. A copy of this order was also sent to the Senior Superintendent of Post Offices, Ghaziabad.

4. That authority has now directed the sub-Divisional Inspector by the impugned Annexure A-1 letter dated 2.1.95, to remove the outsider Branch Post Master immediately, i.e., the applicant and to hand over charge to some E.D.A. or Mail Oversear.

5. The applicant is aggrieved by this order. He has, therefore, filed this O.A. for a direction to quash the impugned order of termination.

6. We have heard the learned counsel for the applicant. He states that the applicant has already completed more than 240 days' of uninterrupted service. He also states that this vacancy has now been notified for making a regular appointment. His prayer is that at least until the regular appointment is made, the applicant should be protected and the termination should be kept in abeyance till then.

7. We have considered the matter. Obviously, the sub-Divisional Inspector had made only a stop gap arrangement, indicating clearly that it could be terminated either by him or by his seniors. As the Senior Superintendent of Post Offices himself has directed that the charge should be given to an Extra Departmental Agent or Mail Oversear, which is also a regular arrangement, we do not see how the order of that authority can be faulted. It would have been irregular if the services of the applicant had been terminated and another ad hoc arrangement was made by appointing some outsider. Then alone the applicant could have had a legitimate grievance. The arrangement now directed to be made

is that the applicant should be relieved and the charge given to one of the regular Extra Departmental Agent or a Mail Overseer, which is the common practice. In the circumstances, we are of the view that the Annexure A-1 order cannot be faulted. We do not find any merit in this application. It is accordingly dismissed at the admission stage itself.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

N.V. Krishnan

(N.V. Krishnan)
Vice-Chairman (A)

'Sanju'