

In The Central Administrative Tribunal  
Allahabad Bench

Sri Atul Jain

VS

U.O.E. others

(5)

1.5.1997

O.A. 1029/96

Hon'ble Mr. T. L. Verma JM

Hon'ble Mr. S. Dayal AM

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Heard Shri J.S.Kashyap. In this application applicant seeks quashing of order terminating his services and a direction to the respondents to reinstate the applicant in service and allow him to continue on the said post.

From the averments made in the O.A. as well as documents annexed, it appears that the applicant was appointed on the post of EDDA, ~~Noida~~ <sup>U.P.</sup> branch office ~~Noida~~ Etah on the leave vacancy of Amar Chand Jain the permanent incumbent. Substitute appointment was given to the applicant on the undertaking given by ~~Kishan~~ the said Amar Chand Jain. It appears that the permanent incumbent has since retired. After the retirement of said permanent incumbent, services of the applicant has been discontinued.

From the materials on record, it is absolutely clear that the appointment of the applicant was not made in accordance with the rules/instructions issued by the department. Since permanent incumbent has retired, right of the applicant to remain on the said post on the authority and undertaking of permanent incumbent also comes to an end. He has, therefore, acquired no right to continue on the post. This application is, therefore, dismissed/having no merits,

AM

JM

SQI