

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 10 day of October 1996.

Original application No. 1057 of 1996.

Hon'ble Dr. R.K. Saxena, JM
Hon'ble Mr. D.S. Baweja, AM

Ganesh Shankar Mishra, S/o Sri Sheo
Dulari Mishra, R/o Village Jamalpur,
Pargana and Tehsil Banda, Dist. Banda.

..... Applicant.

C/A Sri J.N. Mishra

Versus

1. Union of India through Chief Post Office Master General, Lucknow.
2. The Director Postal Services, Kanpur Region, Kanpur.
3. Superintendent Post Offices of Banda.
4. S.D.I.(P) North Ist Banda.
5. Ajai Singh as E.D.B.P.M., Jamalpur, Dist. Banda.

..... Opposite parties.

O R D E R (ORAL)

Hon'ble Dr. R.K. Saxena, JM

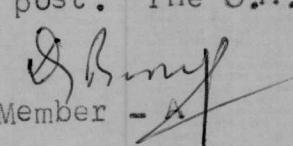
This O.A. has been filed by Ganesh Shankar Mishra, challenging the impugned order (Annexure-5) of termination of his services. The facts as are set out in the O.A. are that one Ajay Kumar Singh was working as Branch Post Master Jamalpur, Banda. The disciplinary inquiry was started against him after he was put off the duty. As a result, the vacancy was caused and the present applicant was appointed provisionally as substitute. After the disciplinary inquiry against Sh. Ajay Kumar Singh was

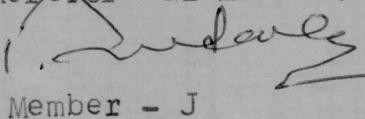
 Contd...2...

completed, it appears that he was exonerated and was again posted where the applicant was working. The result was that the services of the applicant were terminated.

2. It is quite clear from the facts that the applicant was working as substitute of Sh. Ajay Kumar Singh or his appointment was made provisionally because of the vacancy caused by putting Ajay Kumar Singh off duty. As soon as Ajay Kumar Singh was cleared of the charges and was reinstated, ~~the~~ remains no point of the applicant continuing on the post.

3. Sh. J.N. Misra counsel for the applicant assailed the inquiry report of Ajay Kumar Singh in order to justify the continuance of the applicant on the post. We are of the view that the applicant does not get any cause of action for assailing the finding of the disciplinary authority as regards Ajay Kumar Singh. We find from the material on record that the appointment of the applicant being provisional, cannot continue after Ajay Kumar Singh was reinstated. The applicant therefore has got no right to continue on the post. The O.A. is therefore dismissed.


Member - A


Member - J

Arvind.