

(11)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 16th day of March 2001.

Original Application 621 of 1996.

Hon'ble Mr. S.K.I. Naqvi, Member- J

Hon'ble Maj Gen K.K. Srivastava, Member-A

Sri Luxman Singh, S/o Sri Dan Bahadur Singh,  
R/o Village & Post Kotha, Head Post Office,  
Ganaha, Distt. GORAKHPUR.

... Applicant

C/A Sri B.P. Srivastava

Versus

1. Union of India, through its Secretary,  
Ministry of Post and Telegraph,  
NEW DELHI.
2. The Sub Divisional Inspector,  
Sri Kauri Ram Up Prakhanda,  
GORAKHPUR.

... Respondents.

C/Rs Sri R.C. Joshi.

O R D E R (oral)

Hon'ble Mr. S.K.I. Naqvi, Member-J

The applicant was taken as substitute EDR  
on 26.09.1995 at Post Office Kotha, Gorakhpur in place  
of Sri Jai Prakash, who introduced him as substitute

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at his own responsibility, copy of order in this regard dated 26-09.1995 is annexed as annexure II, which clearly indicates that Sri Jai Prakash, holding the post of DER, got the applicant appointed as his substitute during his absence. The applicant worked upto 10.05.96 and was relieved by Shri Jai Prakash ~~on his resuming the duty~~, who was the regular incumbent to the post and obviously the applicant was taken off from the job. Now he has come up seeking relief to the effect that the respondents be directed to take him back on the post of DER and quash the order dated 10.05.1996 with consequential benefits.

2. The respondents have contested his case and filed Counter Affidavit with the main contention that the applicant being only a substitute cannot have any lien or right over ~~the post~~ <sup>to</sup> place to which he remained look after the work during absence of regular incumbent to the post namely Sri Jai Prakash.

3. Heard learned counsel for the rival contesting parties and perused the record.

4. The main contention of learned counsel for the applicant is that the applicant has been removed from service without giving him opportunity of being heard.

5. We considered this submission keeping in view the facts and circumstances of the matter and the law in this regard. We find that the substitute cannot claim

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13

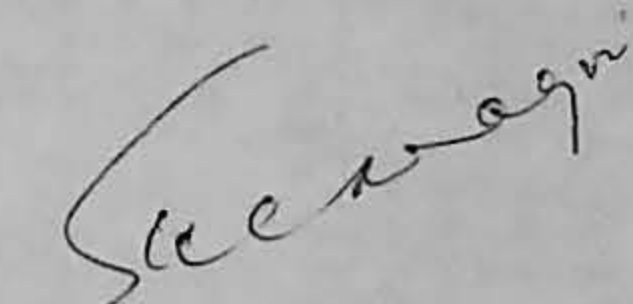
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any right to the post to which he worked on behalf of regular incumbents to that post, ~~only~~ during his absence <sup>only</sup> and is required to handover the charge when the regular incumbent resumes. The period for which the applicant worked as substitute is hardly for 7 or 8 months, that too with breaks.

6. For the above we find no merit in the matter and the relief sought for cannot be granted. The O.A. is dismissed accordingly.

7. No order as to costs.

  
Member-A

  
Member-J

/pc/