

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

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Allahabad : Dated this 2nd day of May 2000

Original Application No.802 of 1996

District : Mirzapur

CORAM :-

Hon'ble Mr. SKI Naqvi, J.N.

Hon'ble Mr. MP Singh, A.M.

Vishwa Nath son of Sri Chhotey Lal,  
Resident of Village and Post Office-  
Navgavan, Tansil Lalganj,  
District-Mirzapur.

(Sri Narendra Kumar, Advocate)

. . . . .Applicant

Versus

1. Union of India through  
The Ministry of Post Department,  
New Delhi.
2. Post Master General Gorakhpur Region,  
Allahabad.
3. Assistant Superintendent of Post Offices,  
Western Sub Division, Mirzapur..
4. Devi Shanker Son of Uma Kant Shukla,  
Resident of Village and Post Navgavan,  
Police Station Hatiya Tahsil Lalganj,  
District-Mirzapur.

(Sri Prashant Mathur, Advocate)

. . . . .Respondents

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\_O\_R\_D\_E\_R\_ (Oral)

By Hon'ble Mr. S.K.I Naqvi. J.M.

The brief facts as emerged from the pleadings from the applicant and contesting respondents are as under.

2. One Sri Devi Shanker Shukla was appointed on 2-4-1988 as Extra Departmental Mail Runner, Navgavan. Sri Devi Shanker Shukla absented from duty in the year 1992 as such by way of interim local arrangement Sri Ram Pal was engaged. Subsequently, it was decided by the Department that in his place some temporary appointment be made and, therefore, the post was advertised on 15.6.1992 in which it was clearly mentioned that this post was purely temporary. The applicant applied for this post and was ultimately given appointment of this post of Extra Departmental Mail Runner on 05.08.1992. The appointment letter clearly indicates the terms and conditions of appointment with specific mention that whenever Sri Devi Shanker Shukla returns back to his service, the temporary appointment of the applicant will be automatically terminated without any prior notice. the applicant joined the post and accepted these conditions and was given charge on 10.08.1992.

The departmental proceedings against Sri Devi Shanker Shukla

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ended into order of his dismissal against which he preferred an appeal which was allowed by the Post Master General Allahabad vide his order dated 04.06.1996 and reinstatement of Sri Devi Shanker Shukla on the post was directed. Therefore, on the basis of the conditions mentioned in the appointment letter of the applicant, the applicant was discharged from his duties to give charge on resumption of duty by Sri Devi Shanker Shukla, on the basis of the direction given by the Post Master General, Allahabad.

3. Against this termination of service, the applicant has come up before the Tribunal seeking order to quash impugned order of respondent No.3. the Assistant Superintendent of Post Office, Sub Division, Mirzapur and to direct the respondents to treat the applicant in service and allow him to take charge of the said post. This relief has been based on the ground that the impugned order of the respondent is illegal being passed without giving an opportunity <sup>to the applicant</sup> of being heard, <sup>to</sup> the applicant and with utter disregard to the principles of natural justice.


4. The respondents have contested the case with specific mention that the appointment of the applicant was conditional and his services were liable to be terminated automatically whenever the incumbent

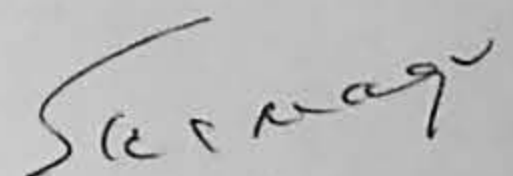
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to the post, Sri Devi Shanker Shukla, returns back to his service and when Sri Devi Shanker Shukla was reinstated he was allowed to join the post and the services of the applicant were terminated.

5. Considered arguments from either sides and perused the records.

6. We find that the terms and conditions of the appointment of the applicant are quite clear and mentions in unambiguous terms that the appointment of the applicant was purely on temporary basis and was liable to be terminated whenever its incumbent Sri Devi Shanker Shukla joins again and on happening of this contingency, we do not think there was any other alternative for the respondents, but to dispense with the services of the applicant and allow Sri Devi Shanker Shukla to join on that post. It is quite evident from the terms and conditions of the appointment of the applicant that he had no lien to the post and, therefore, he cannot challenge the order on the grounds as mentioned in the OA. In these circumstances we find no merit in the OA and the OA is accordingly dismissed with no order as to costs.

  
Member (A)

  
Member (J)

/m.k.s/