

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 1131 of 1997

Allahabad this the 25th day of August, 2000

Hon'ble Mr.S.K.I. Naqvi, Member (J)  
Hon'ble Mr.M.P. Singh, Member (A)

Ishwar Chandra Vidyasagar, aged about 30 years,  
S/o Shri Lachchhi Ram R/o Vill.& Post Jakhouli  
(AIT), Distt. Jaloun (U.P.)

Applicant

By Advocate Shri Rakesh Verma

Versus

1. Union of India through Secretary, Ministry of Communication, New Delhi.
2. The Sr. Superintendent of Post Offices, Jhansi Division, Jhansi.
3. The Sub Divisional Inspector of Post Offices, Konch, Distt. Jaloun - 285205.

Respondents

By Advocate Shri Km. Sadhna Srivastava

O R D E R ( Oral )

By Hon'ble Mr.S.K.I. Naqvi, Jud.Member

In support of his contention, the applicant Ishwar Chandra Vidyasagar drew our attention towards annexure A-2 to the O.A., which is charge certificate dated 05.7.1997 to establish that he was engaged as Extra Departmental Mail Peon, P.O. Jakhouli, Distt. Jaloun and he has also referred annexure

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A-6 to show that till that date he worked as such, and disengaged unauthorisedly for being replaced by another substitute and, therefore, the act of the respondents for replacing the applicant by another substitute having no better title to the post, is illegal. Moreover, the respondents are liable to pay the allowances for the period he worked from 15.7.97 to 20.8.1997, for not having got any relief from the department, he has come up before the Tribunal.

2. The respondents have contested the case mainly on the ground that the applicant was engaged ~~by~~ <sup>as</sup> E.D.B.P.M. against the post which fell vacant on Narain Dass being put off duty, who was incumbent to that post. This appointment was irregular, therefore, the applicant has no case to claim either of the reliefs,

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

4. The learned counsel for the applicant could not convince us that the applicant could have any lien to the post, to which he was appointed by E.D.B.P.M. Jakhouli, who could not be the appointing authority without approval of his superiors and when the matter came up before the approving authority, he directed ~~that~~ <sup>as per</sup> impugned order (annexure A-6), to dispense with the arrangement through which the applicant was

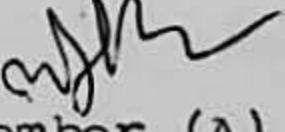
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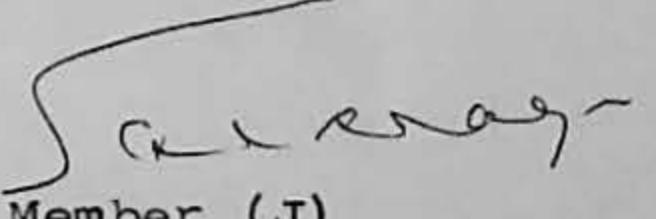
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engaged. Therefore, we do not find any merit in this prayer to <sup>allow</sup> promote the applicant to continue on the post of Extra Departmental Mail Peon, which is denied accordingly:-

5. So far as the other relief is concerned, we are convinced that the applicant worked as Extra Departmental Mail Peon, Jakhouli between the period from 15.7.1997 to 20.8.1997 and, therefore, he is entitled to get allowances for this period. for which the respondents are directed to make payment within 6 weeks of communication of this order, incase the payment has not already been made. The O.A is decided accordingly. No order as to costs.

  
Member (A)

  
Member (J)

/M.M./