

(10)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 15th day of January 2002.

QUORUM : HON. MR. S. DAYAL, A.M.

HON. MR. RAFTQUDDIN, J.M.

O.A. NO. 494 of 1997.

1. Surendra Singh s/o Sri Kharagiran r/o Village Dagsah,
Post Kursanda, Distt. Mathura.... Applicant.

Counsel for applicant : Sri Arvind Kumar.

Versus

1. Union of India through the Chief Post Master General,
Lucknow.

2. Senior Superintendent Post Offices, Mathura.

3. Sub-Divisional Inspector of Posts Mathura North,
District Mathura.

4. Munesh Babu s/o Sri Safri Lal r/o Village Dagsah, Post
Kursanda, District Mathura.... Respondents.

Counsel for respondents : Km. Sadhana Srivastava.

ORDER (ORAL)

BY HON. MR. S. DAYAL, A.M.

This application has been filed with a prayer for re-engagement of the applicant as Extra Departmental Delivery Agent at Kursanda, Mathura. An alternative prayer has also been made to provide the employment to the applicant as Extra Departmental Delivery Agent at the nearest Post Office.

2. The applicant has claimed that he was appointed as Extra Departmental Delivery Agent on 4.7.1996 in place of Sri Bal Kishan Sharma, who was promoted as Extra Dept. Sub-Post Master. Sri B.K. Sharma was posted to his original post of EDDA and one Sri Munesh Babu, who is Respondent No.4, was posted as Extra-Departmental Sub-Post Master.

The applicant ^{also} worked on the post of Sri Munesh Babu ^{which was} the post of Extra Dept. Delivery Agent. By order dated 7.3.1997, after continuous working of 244 days, the

applicant was relieved and Sri Munesh Babu was posted as EDDA-I. The applicant claims that he is eligible for the post of Extra Departmental Delivery Agent and he has been arbitrarily removed. This has given cause to the applicant before us.

3. We have heard Sri Arvind Kumar for applicant and Km. Sadhana Srivastava for the respondents.

4. Counsel for the respondents has drawn attention to counter reply in which it has been stated that the applicant worked as EDDA in place of Sri B.K. Sharma, who was engaged on the post of Extra Departmental Sub-Post Master for one week. The applicant worked on the risk and responsibility of Sri B.K. Sharma. After Sri B.K. Sharma, one Sri Munesh Babu, EDDA of Kursanda Sub-Post Office was engaged as Extra -Departmental Sub-Post Master and the applicant was engaged as his substitute on his risk and responsibility from 10.7.1996. Sri Munesh Babu resumed the charge of his duty at Kursanda on 7.3.1997 by relieving the applicant. The applicant worked on the risks and responsibilities of two persons for 244 days and is not entitled to the relief ~~for~~ claimed.

5. We find that the nature of engagement of the applicant as substitute of two incumbent as EDDA Kursanda does not entitle him for either re-engagement or provision of employment as EDDA. No instructions of Director General of Posts have been cited before us which entitle the applicant to the relief ~~for~~ claimed. Even from the angle of public interest, it is not considered appropriate to grant the relief claimed because the applicant was engaged purely on the risk and responsibility of regular incumbents.

6. We, therefore, find no merit. The application is dismissed.

There shall be no order as to costs.

Ratneshwar
J.M.
Asthana/

A.M.