

RESERVED

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

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Allahabad : Dated 25th day of January, 1999

Original Application No. 161 of 1998

District : Jhansi

CORAM:-

Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. S.K. Agrawal, J.M.

Bin Dayal S/o Kalyan
Resident of Village & Post Sakin
District Jhansi
at present working as Extra Departmental Branch Post
Master, Sakin Post Office
District Jhansi.

(Sri Rajesh Srivastava, Advocate)

. Applicant

versus

1. Union of India through Secretary
Ministry of Telecommunication,
New Delhi.
2. Senior Superintendent of Post Offices,
Jhansi.
3. Inspector Post Offices Konch,
District Jalaun.
4. Director Postal Services, Agra Region,
Agra.

(Km. Sadhna Srivastava, Advocate)

. Respondents

O R D E R

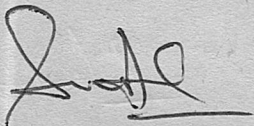
By Hon'ble Mr. S.K. Agrawal, J.M.

In this OA the applicant makes a prayer to direct the respondents to issue formal letter of appointment as E. D. B. P. M. Sakin Jhansi or to issue regular appointment to the applicant as E. D. B. P. M. at any other place in Jhansi.

2. An interim prayer was also made to restrain the respondents from terminating the services of the applicant as E. D. B. P. M. Sakin, Jhansi and it was provided to maintain status quo vide order dated 24-2-1998.

3- In brief the facts of the case as stated by the applicant are that the applicant is the resident of Village & Post Sakin and has passed High School Examination. He is the owner of the 2 acres of agricultural land and belongs to backward classes. His name is registered with the Employment Exchange Jhansi. Therefore, he fulfils all the qualifications for the appointment of E. D. B. P. M. It is stated that Sri Brij Lal, E. D. B. P. M. Sakin was transferred to Lalgarh on 28-2-1997. Therefore, the applicant was appointed E. D. B. P. M. in vacancy caused by the transfer of Sri Brij Lal and joined on 28-2-1997 afternoon. But no formal order of appointment was given to the applicant and it was told that it will be given by Senior Superintendent of Post Officers, Jhansi. The applicant sent representation after representation but with no results. Thereafter, he made an appeal to Director of Posts, Agra but no reply has yet been received. It is submitted that the applicant has been working on the post since long and he belongs to preferential category. Therefore, he is entitled to relief sought for as mentioned above.

4. The counter was filed. In the counter it is stated that the post of E. D. B. P. M. Lalgarh was vacant because of retirement of Sri B. C. Soni. Sri Brij Lal was asked to work as E. D. B. P. M. Lalgarh temporarily. Thereafter, Sri Brij Lal Kushwaha had engaged the present applicant as substitute at his own risk on the post of E. D. B. P. M. Sakin. The above arrangement was completely temporary. It is also stated that the



abovementioned arrangement was terminated on 2-3-1998.

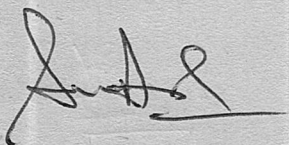
Since then Sri Brij Lal Kushwaha is working as E. D.B.P.M. Sakin and the applicant has no right to claim the appointment on the post of E. D.B.P.M. Sakin. The applicant is not a duly selected candidate. He was engaged as substitute and the regular incumbent Sri Brij Lal Kushwaha has already joined on 2-3-1998 on the post. Therefore, the applicant is not entitled to any relief sought for.

5. The rejoinder was also filed reiterating the facts as stated in the OA.

6. Heard learned counsel for the applicant and learned counsel for the respondents and perused the whole record.

7. On the perusal of the record, it appears that Sri Brij Lal Kushwaha, E.D.B.P.M., Sakin vide letter dated 28-2-1997 requested the Regional Inspector of Post Offices, Konch that Sri Lin Dayal was engaged as substitute on his own responsibility and risk. The promotion was granted by the Divisional Inspector of Post Offices for the same on the same date as it is evident from perusal of Annexure-CA-1. Learned counsel for the applicant has argued that as per rules substitute cannot be engaged in this manner. Therefore, the applicant cannot not be treated engaged as substitute. We have considered the relevant rules and perused the whole record.

8. Admittedly, the applicant is not regularly selected candidate and as per respondents, the applicant was merely engaged as substitute which is clear after perusal of Annexure-CA-1 filed with the counter affidavit. Permission was also accorded for such

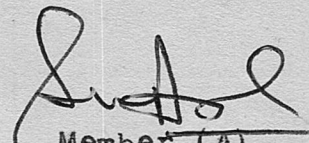


substitute on the same date which is also evident from perusal of Annexure-CA-1. As substitute has no right to the post, therefore, such a person has no claim for the post. Even if he has worked on the post for a very long period, whenever, regular appointment is made, at the most he can participate with others and if rules permit, his experience on the post can be taken into consideration at the time of selection.

9. We are, therefore, of the opinion that the applicant has no case in his favour.

10. We, therefore, dismiss this OA with no order as to costs.


Member (A)


Member (A)

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