

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 15th day of December 1998.

Original Application no. 44 of 1998.

Hon'ble Mr. S. Dayal, Administrative Member
Hon'ble Mr. S.K. Agrawal, Judicial Member

Ashish Kumar Dwivedi, S/o Shri Hari Nath Dwivedi,
r/o village and post Ghoredeeh, Distt. Allahabad.

.... Applicant.

C/A Shri R.P. Singh

Versus

1. Union of India through the Secretary, Government of India, Ministry of Communication, New Delhi.
2. Senior Superintendent of Post Offices, Allahabad.
3. Sub-Divisional Inspector, Meja, Allahabad.

.... Respondents.

C/R -----

O R D E R

Hon'ble Mr. S. Dayal, Member-A.

This is an application under section 19 of the Administrative Tribunals, Act, 1985.

2. The applicant has sought the relief of direction to the respondents to consider the applicant for appointment on the post of E.D.B.P.M. at any place in the circle.

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3. The facts of the case are that the applicant was appointed as substitute in place of Shri Amar Nath Dwivedi as E.D.B.P.M., branch post office, Ghoredeeh, who was transferred. As the applicant took over the charge on 01.02.96. Shri Amar Nath Dwivedi was again directed as EDBPM, Ghoredeeh by order dated 09.08.97 and the charge by the respondents to take over charge was handed over on 12.08.97. Applicant seeks appointment on regular basis, based on some verdict of the Hon'ble Supreme Court which has been mentioned by the applicant neither in his O.A. nor in his representation at annexure A-5 to the O.A. The only ground he has mentioned for regularisation is that he has worked for 1½ years while a substitute should be appointed only for 6 months and he had become over age for any other Government service.

4. Pleadings on record as well as arguments of Shri R.P. Singh, learned counsel for the applicant have been heard. On our direction Km. Sadhana Srivastava, appeared for the respondents and mentioned the case of Sub. Divisional Inspector of Post Vacicam & Others Vs. Theyyam Yoseph & Ors 1996 SCC (L&S) 1012. We have considered the rational of the case. The case relates to termination of service and not to relieve from the post on the original incumbent joining the same.

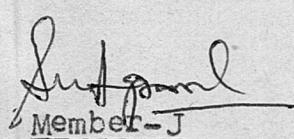
5. Applicant has claimed the appointment on the basis of order dated 31.01.96 of respondent no. 3, by which the Branch Post Master of Ghoredeeh was asked by order dated 31.01.96 to hand over the charge of his responsibility to such person who had qualification required for E.D.B.P.M.

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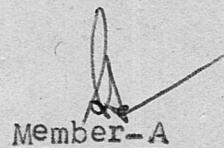
Thus the applicant was working on personal responsibility of Shri Amar Nath Dwivedi. If Shri Amar Nath Dwivedi, comes back to the post and takes over the charge the applicant has no right to seek continuation or regularisation on the post as tenure on the post come to an end immediately and automatically.

6. Therefore, this O.A. is dismissed in limine as lacking merits.

7. There shall be no order as to costs.



Member-J



Member-A

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