

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

....

original Application No. 528 of 1998

this the 28th day of August 2003.

HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER (A)
HON'BLE MR. A.K. BHATNAGAR, MEMBER (J)

Parmanand Bharti, S/o Sri Tirath Bharti, R/o Village
& Post Rasoolabad, District Sant Kabir Nagar.

Applicant.

By Advocate : Sri D.K. Goswami

Versus.

1. Union of India through Secretary Ministry of Post & Telegraph, New Delhi.
2. Supdt. of Post Office, Basti Division, Basti.
3. Sub-Divisional Inspector (posts), District Sant Kabir Nagar.

Respondents.

By Advocate : Sri A. Tripathi.

O R D E R

BY MAJ GEN K.K. SRIVASTAVA, MEMBER (A)

In this O.A. filed under Section 19 of the A.T. Act, 1985, the applicant has prayed for quashing the notification dated 24.9.98 by which applications were called for the post of EDBPM, Rasoolabad, District Basti.

2. The facts of the case, in short, are that on promotion of one Sri Satya Nand Bharti, who was working as EDBPM, Rasoolabad, the post fell vacant. The applicant was engaged as EDBPM, Rasoolabad on 15.4.1998 as a Substitute on the risk and responsibility of one Sri Satya Nand Bharti. A notification was issued on 30.4.98 by the respondent no.2 calling for the names from the Employment Exchange. As per the notification, the post has been reserved for S.C. candidates. The applicant belongs to OBC community



and has challenged the reservation of the post for S.C. candidates. He has filed this O.A. which has been contested by the respondents by filing Counter reply.

3. The main ground taken by the applicant is that since the applicant is already working on the post and ^{is} _{is} fulfilling the requisite qualifications, he should be regularised on the post rather than call for names from the Employment Exchange. Besides, the applicant has also pleaded that the post is reserved for OBC, but the respondent no.2 has reserved this post for SC candidates.

4. Opposing the claim of the applicant, Sri A. Tripathi counsel for the respondents submitted that no irregularity/illegality has been committed by the respondent no.2 in declaring the post reserved for SC candidates due to short-fall of SC quota. Besides, the applicant was only a Substitute and no right accrues to a Substitute.

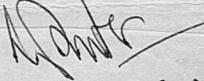
5. We have heard learned counsel for the respondents, perused the record as well as pleadings.

6. We find substance in the submissions made by the respondents' counsel that due to short fall in SC quota, the post was reserved for SC candidates. The claim of the applicant that he should be regularised on the post because he is working on the post and also he fulfills the eligibility criteria has no substance what-so-ever. Legal position is well settled that a Substitute has no right to continue on the post. We do not find any good ground for interference and we also do not find any illegality in the action of the respondents in issuing the impugned notification.

7. In the facts and circumstances, the O.A. is devoid of merit and is accordingly dismissed. No costs.


MEMBER (J)

GIRISH/-


MEMBER (A)