

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

ORIGINAL APPLICATION NO. 1004 OF 1998

Allahabad, this the 27th day of July, 1999.

CORAM : Hon'ble Mr.S.Dayal, Member (A)
Hon'ble Mr.S.K.Agrawal, Member (J)

Surendra Bahadur Singh,
S/o. of Sri Shitla Prasad Singh,
R/o. Village and Post Mahajana (Baraut),
District Allahabad.

..... Applicant

(By Shri S.P.S.Parmar, Advocate)

Versus

1. Union of India, through
Secretary Postal and Telecommunication,
New Delhi.
2. Superintendent of Post Office,
Allahabad.
3. Sub Divisional Inspector,
(Sub-Division), Handia.

.....Opposite Parties

(By Shri D.S.Shukla, Advocate)

O R D E R (Open Court)

(By Hon'ble Mr.S.Dayal, Member(A))

This application has been filed for setting aside the termination order dated 7-9-98 passed by Sub-Divisional Inspector of Handia, Allahabad. Regularisation of the services of the applicant has also been prayed for.

2. The grounds on which the relief is sought is that the applicant has performed his duty for a period of two years and four months continuously and satisfactorily. Another ground mentioned is that the

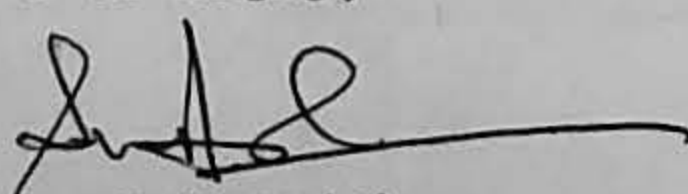
contd.../2p


applicant cannot be replaced by another temporary employee.

3. We have heard the arguments of Shri S.P.S. Parmar for the applicant and Shri D.S.Shukla for the respondents.

4. We find from Annexure-1 to the original application which is a Memorandum No.A/Baraut/96 Handia, dated 13-4-96 that the applicant was appointed as E.D.M.P. Baraut on the personal responsibility of Shri J.V.Singh, Dak Assistant, Baraut. Thus the appointment of the applicant has not been made on a regular basis by following the procedure required for making such appointments. It was only on the basis of appointment of Substitute for the employee who was previously occupying the post on the personal responsibility of an official of the Postal department.

5. The learned counsel for the applicant has moved a Misc.Application and prays for direction to the respondents that he may be considered for the vacancies which may be existing in the department. This prayer of learned counsel for the applicant can not be accepted as the respondents have to follow a certain procedure for filling up the vacant post and the applicant has a right to apply if he fulfils the conditions of eligibility. The fact that he is become over-age cannot get him any benefit by virtue of his working as Substitute. Hence this application is dismissed as lacking in merit. There shall be no order as to costs.


MEMBER (J)


MEMBER (A)