

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD

ORIGINAL APPLICATION NO. 107 of 1998

this the 30th January' 2001.

HON'BLE MR. S. DAYAL, MEMBER(A)
HON'BLE MR. RAFIQUDDIN, MEMBER(J)

Angad Prasad Mishra, S/o Srikant Mishra, resident of Village
Mishraulia, post Bakauni, Tehsil Chauri, District Gorakhpur.

Applicant.

By Advocate : Sri S. Tripathi.

Versus.

Union of India through Secretary, Ministry of Communication,
New Delhi.

2. District Sewa Yojana Adhikari, Gorakhpur.
3. Up-Divisional Inspector, Kauriram, Gorakhpur.
4. Branch post Office, Mahaar, EDMP, Gorakhpur.
5. Director, post Offices, New Delhi.

Respondents.

By Advocate : Km. S. Srivastava. & Sri K.P. Singh

ORDER (ORAL)

S. Dayal, Member(A)

This application has been filed with a direction to the respondents to set-aside the letter/advertisement dated 24.12.1997. A direction is also sought to the respondents to consider the applicant for appointment in pursuance of the advertisement dated 15.11.1997.

2. The case of the applicant is that he was working on the post from 27.6.1981 till date continuously with some artificial breaks. The applicant filed an application in response to the post advertised on 15.11.1997. Five persons were recommended by the Employment Exchange in response to the requisition. The applicant claims that alongwith others,

he is only the suitable candidate for the said post.

names sponsored by the Employment Exchange, he was found only the suitable candidate for the said post. However, notice dated 15.11.1997 was cancelled and another requisition through the Employment Exchange was issued inviting applications from the eligible candidates. It is claimed that the fresh recruitment was at the behest and Ex-Member of Parliament.

3. We have heard the learned counsel for the parties and perused the records.

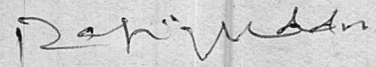
4. The learned counsel for the applicant has shown various orders of appointment of the applicant. The first order is annexed to the Application as Annexure A-1 and is dated 23.6.1981 in which it is mentioned that the applicant has taken charge of EDDA Baksuni. The next order is dated 5.7.1982 again it is mentioned that the applicant is shown to have handed-over charge of EDDA, Baksuni to the regular incumbent Sri Virendra Narain Misra. Yet another order shows that the charge of EDDA was handed-over by the applicant to Virendra Narain Misra on 22.7.1983. Again there is certificate that the applicant had handed-over charge of the post of Baksuni on 14.8.1983 to Sri Virendra Narain Misra. Yet another order shows that the applicant had handed-over charge, Baksuni on 25.2.1987. Yet another order shows that Sri Virendra Narain Mishra took-over charge of EDDA, Baksuni on 15.6.1987. The various orders produced by the applicant only go to show that the applicant held the charge a number of times in place of his brother, who was a regular incumbent of the post. The dates and periods on which the applicant taken-over and handed-over the charge has not been mentioned by him in his O.A. It is also clear that the applicant held the charge as a Substitute on the risk and responsibility of the regular incumbent. There is only one appointment order dated 4.6.1997 in which the applicant is allowed to work on temporary basis on the vacant post of EDMP, Mahuar Kol in place of Sri Ganesh Dutt Mishra on his risk and responsibility. Thus, it is clear that the averments made by the applicant that he has worked continuously on the post of EDDA, Baksuni is not borne-out from the vari-

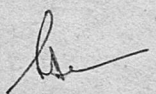
charge reports shown before us.

5. The learned counsel for the respondents in their Counter Reply has mentioned that requisition dated 15.11.1997 was cancelled and another requisition dated 24.12.1997 was issued pursuant to orders of Director General of Posts, New Delhi vide communication dated 27.11.1997 giving a direction to assess the representations of O.B.C. and S.C. owing to the sanctioned posts of Extra Departmental Agents other than Extra Departmental Branch Post Masters/Extra Departmental Sub-post Masters at sub-divisional level before calling for the nominations from Employment Exchange.

6. In view of the facts stated above, it is clear that the applicant has not come with clean hands and as also the fact that the second requisition was pursuant to the directions of Director General of posts dated 27.11.1997. Therefore, the reliefs claimed by the applicant have no validity.

7. In the result, the O.A. lacks merit and is accordingly dismissed. No costs.


MEMBER (J)
Allahabad
GIRISH/-
DATED ; 30.1.2001.


MEMBER (A)