

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 1228 OF 1998

ALLAHABAD, THIS THE 31st DAY OF MARCH 2005

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN
HON'BLE MR. S. C. CHAUBE, MEMBER (A)

Tirath Lal aged about 42 years
Son of Late Shri Kalloo,
Resident of Village Jamui, P.O. Eargaon, Soraon,
District Allahabad, presently working as Wireman
At Post & Telegraph Department Deoria.

..... Applicant

(By Advocate : Sri. R.S. Shukla)

V E R S U S

1. Union of India through the Secretary, Ministry of Communication, New Delhi.
2. Post Master General, U.P. Circle, Lucknow.
3. Post Master General, Gorakhpur.
4. Senior Superintendent of Post Offices, Deoria Division, Deoria-274 001,

..... Respondents

(By Advocate: Sri Saumitra Singh)

O R D E R

By Hon'ble Mr. Justice S. R. Singh, Vice-Chairman

The applicant was approved for appointment vide order dated 21.01.1986 and appointed to the said post vide letter dated 30.01.1986 as unskilled labour Electric Wing on probation and on completion of probation period satisfactorily, he was made permanent vide order dated 07.01.1988. By order dated 15.05.1995 he was allowed to officiate as wireman against the vacant post till further

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orders. It was made clear in the said order dated 15.05.1995 that arrangement was purely temporary and would not confer any right ~~for~~^{of} regular absorption in the cadre of wireman. By impugned order dated 21.10.1998, the earlier order dated 15.05.1995 has been withdrawn on the premises that it had been declared as irregular. The arrangement of the applicant on the post of wireman was terminated with immediate effect and he was asked to join his post as unskilled labour. It is not disputed that withdrawal of the order dated 15.05.1995 was prospective in nature and the applicant was paid the wages for the post of wireman till he worked on the post before his arrangement was terminated vide order dated 21.10.1998. The said order dated 21.10.1998 is sought to be set aside coupled with the direction to the respondents to regularize the services of the applicant on the post of wireman.

2. Having heard counsel for the parties we find no infirmity in the impugned order dated 21.10.1998. The applicant was allowed to officiate as wireman vide order dated 15.05.1995 with a clear stipulation that arrangement was purely temporary and would not confer any right for regular absorption in the cadre of wireman. Learned counsel for the applicant has not invited our attention to any provision under which the applicant could be ordered to be regularized on the post of wireman merely on the strength of the temporary arrangement made vide order dated 15.05.1995. The fact that the applicant worked on the post of wireman on the basis of the order dated 15.05.1995 for a little over 3 years would not confer any right of

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regularization in the absence of any statutory provisions providing for regularization in the fact situation of the case. A post of wireman is a promotional post and the promotion is governed by rules. The applicant is not entitled for regularization merely on the strength of the service rendered by him pursuant to the arrangement made by order dated 15.05.1995. We are, however, of the view that in case his juniors have been promoted to the post of wireman, the competent authority shall consider the case of the applicant for regular promotion in accordance with rules subject, of course, to fulfillment of requisite qualifications and other eligibility condition. The applicant is therefore, given liberty to stake his claim for promotion to the post of wireman by making a representation within a period of one month to the Superintendent of Post Offices Deoria who shall on receipt of the representation consider the applicant's claim for promotion with effect from the date his juniors, if any, have been promoted on regular basis within a period of 3 months from the date of receipt of a copy of this order.

3. The original application is disposed of accordingly in terms of the above directions. No order as to costs.

Shank
Member (A)

Par
Vice-Chairman

Shukla/-