

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 28TH DAY OF NOVEMBER, 2001

Original Application No.1390 of 2001
CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

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

Manish Kumar Srivastava, son of
Shri Bipin behari Lal, R/o Village
Sukhpura Tehsil, Bansdeeh, district
Ballia.

... Applicant

(By Adv: Ms.Seema Agrawal)

Versus

1. Union of India through
The Secretary, Ministry of
Communication, Department of
Post and Telegraph, New Delhi.
2. Assistant Superintendent of Post,
Ballia.
3. Senior Post Master, Ballia.
4. Sub Post Master, Sukhpura,
District Ballia.
5. UP-Mandaliya Nirikshak
(Dakghar) Kendriya Up-Mandal
Ballia.

... Respondents

(By Adv: Shri R.C.Joshi)

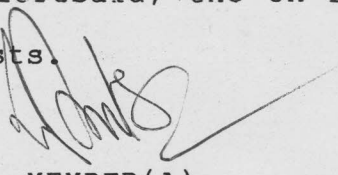
O R D E R (Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/s 19 of A.T.Act 1985 applicant has
prayed for a direction to the respondentss not to
terminate the services of the applicant and permit him to
continue on the post till regular selection is made in
accordance with rules for the post of Extra Departmental
Delivery Agent in Post office Sukhpura, district Ballia.
It is not disputed that the appointment of the applicant
is only provisional by way of Stop Gap Arrangement and he
has not yet been regularly selected for the post. The
learned counsel for the applicant however, submitted that

though appointment of the applicant is adhoc he cannot be replaced except by a regularly selected candidate. Learned counsel has also relied on the judgements of this Tribunal as well as of superior courts to the effect that adhoc arrangement cannot be replaced by another adhoc arrangement. The legal position as stated by the learned counsel cannot be doubted but we do not find any overt action on the part of the respondents that they are going to terminate the applicant on or after 30.11.2001. In the circumstances, no direction is required from this Tribunal at this stage. However, we give liberty to the applicant to approach Superintendent Post Offices Ballia in case any adverse order is passed against the applicant replacing him by another adhoc arrangement but the applicant will have no right to continue in case a regularly selected candidate is available for appointment or there is any charge of misconduct against him.

Subject to aforesaid, the OA is disposed of finally.
No order as to costs.



MEMBER(A)



VICE CHAIRMAN

Dated: 28.11.2001

Uv/