

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Original application No.1512 of 2001.

Allahabad, this the 30th day of October, 2006.

Hon'ble Mr. Justice Khem Karan, Vice-Chairman
Hon'ble Mr. M. Jayaraman, Member (A)

Manish Kumar Srivastava,
Son of Shri Bipin Behari Lal,
Resident of village Sukhpura,
Tehsil Bansdeeh, District Ballia.

..Applicant.

(By Advocate : Shri V.K. Singh)

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-Mundaliya Nirikshak (Dakghar) Kendriya
Up-Mandal, Ballia.

....Respondents.

(By Advocate :Shri V.V. Mishra/A.N. Roy)

ORDER

By Hon'ble Mr. Justice Khem Karan, V.C. :

List revised. Shri V.V. Mishra appears for
the respondents. None appears for the applicant
or for the 3rd party.



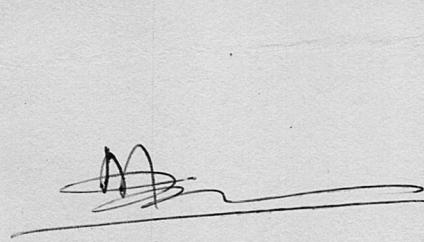
2. The application for impleadment by 3rd party is rejected as none has turned up to press it.

3. The applicant has filed this OA praying for quashing the order dated 23.11.2001 (Annexure-1) arrangement made in his favour has been terminated and another person in his place has been posted as Gramin Dak Sewak at Sukhpura. He has also prayed that the respondents be directed not to terminate his services, till regular selection is made.

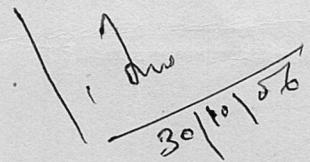
4. The grounds stated in the application are that the applicant was regularly selected for the post of Gramin Dak Sewak, therefore, his termination order dated 23.11.2001 is bad. It is also said that one adhoc can not be substituted by an other Adhoc employee. It appears that on the basis of interim orders dated 20.12.2001 passed in this OA, the applicant is continuing on the post of EDDA Sukhpura, Ballia. Shri V.V. Mishra, learned counsel for the respondents has submitted that the applicant had earlier filed one OA No.1390/01, which this Tribunal finally disposed of vide order dated 28.11.2001, Copy of which is Annexure-4. He says that there was a clear order of this Tribunal that the applicant would have no right to continue on availability of regularly selected candidate. Shri Mishra has averred in para-8 of the reply that one Shri Gautam Verma has been regularly selected on the post of EDDA at Sukhpura, Ballia and his appointment has been approved by Chief Post Master General, Lucknow but because of the stay order of this Tribunal. Shri Verma could not take charge of EDDA at Sukhpura.



5. We are of the view that when a regularly selected candidate is already there for being appointment as EDDA at Sukhpura, the claim of the applicant to the said post is not well- founded. Moreover, in earlier OA filed by him, he was given the benefit of continuing on the said post till the arrival of regularly selected candidate. So he can not be permitted to continue on the said post. The OA is dismissed and interim order dated 20.12.2001 is vacated.



Member-A


30/10/06

Vice-Chairman

RKM/