

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NO. 45/2001

Allahabad, this the 3rd day of September, 2002

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

Hon'ble Mr. A.K. Bhatnagar, Member (J)

Budhi Ballabh Senwal, son of Shri Kameshwar Prasad,
resident of Village Dewari Talli, Post Baneda Chamma,
District Tehri Garhwal.

.....Applicant

By Advocate Shri S.C. Mandhyan

V E R S U S

1. Union of India through Ministry of Communication,
Department of Posts, Government of India, New
Delhi through its Secretary;
2. Post Master, Head Post Office, New Tehri Uttaranchal
3. Sub Post Master (LSG), Chamma, Tehri Garhwal;
4. Ramesh son of Sundru, resident of village Dewari
Talli, Post Baneda Chamma, District Tehri
Garhwal.

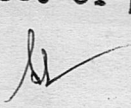
.....Respondents

By Advocate Shri R.C. Joshi

O R D E R

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

This application has been filed for setting aside
the order dated 03.10.2001. A further direction has been
sought to the respondents, not to give effect to
impugned order dated 03.10.2001 and to continue to the
applicant on the post of post-runner and pay salary.



2. The applicant has mentioned that one post of post-runner was vacant in the office of respondent No.3 and the applicant was put on the post on temporary basis on 01.03.2001. The applicant continued to work till 03.10.2001 when he was removed by order dated 03.10.01 and the respondent No. 4 was put to that post. The respondent No. 3 has issued a certificate to the applicant that he worked continuously from March 2001 to September 2001 and his performance and conduct was good.

3. The arguments of Shri S.C. Mandhyan, counsel for the applicant and Shri G.R. Gupta, brief holder of Shri R.C. Joshi, counsel for the respondents have been heard.

4. The respondents have mentioned that the post is reserved for scheduled caste and regular selection is to be held for filling up of this post by a scheduled caste candidate. They have also mentioned that the sub-Divisional Inspector vide letter dated 05.05.2001 directed for termination of arrangement dated 01.03.2001 and on his own responsibility engaged Shri Girish Chand on the post of ED runner, Bahera w.e.f. 16.05.2001. However, Shri Girish Chand was again relieved on 31.05.2001 and the petitioner was re-engaged on 01.06.2001 and remained there upto 09.08.2001. It is claimed that the respondent No.3 issued orders dated 03.10.2001 for making new arrangement and directed for temporary appointment of Shri Ramesh Prasad terminating the appointment of Shri Girish Chand. It is stated that by over sight the petitioner's name has been mentioned in the order.

5. It, thus, appears that the respondents are engaging person on short term basis on the post of post-runner.

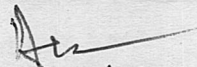
6. The learned counsel for the applicant has relied on Ratan Lal and others versus State of Haryana and othe

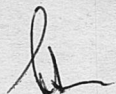


AIR 1987 Supreme Court 478. In this, the practice of appointment of teachers on ad-hoc basis and their termination at the time of some vacation has been deprecated. It has been laid down that once persons appointed on ad-hoc basis, they should be continued to remain on the post till the vacancy is filled up on regular basis ^{and not be replaced by another ad-hoc appointee - s}

7. The applicant, even in the list of appointees given in the Counter reply, was the first of the lot. He could only have been replaced by somebody who had a better claim for the post than the applicant and ad-hoc or temporary appointee cannot be said to have a better claim than the applicant who was appointed as the first temporary appointee. Therefore, the applicant shall be ^{put} back on the post of post-runner of Bahera within a month and shall be replaced only by a regular appointee or an appointee who has ^{a better} title to the post of post runner.

8. There shall be no order as to costs.


Member (J)


Member (A)

shukla/-