

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 19th day of August, 2004.

Original Application No. 116 of 2004.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.
Hon'ble Mr. S.C. Chauhan, Member - A.

Pradip Kumar Singh S/o Sri Lalji Singh
R/o Vill. Ahirauli, P.O. Pachawa,
Distt. Sant Kabir Nagar (New Basti).

.....Applicant

Counsel for the applicant :- Sri Ashish Srivastava

V E R S U S

1. Union of India through the Secretary,
D/o Posts, M/o Communication, New Delhi.
2. The Superintendent of Post Offices,
Basti Division, Basti.
3. The Assistant Superintendent, Post Offices,
Basti East Sub-Division, Basti.
4. Up Dak Pal, Pachawa via Dudhara,
Distt. Sant Kabir Nagar (New Basti).

.....Respondents

Counsel for the respondents :- Sri Saumitra Singh

O R D E R

By Hon'ble Mr. Justice S.R. Singh, VC.

The applicant, it appears, was appointed as a substitute GDS (Mail Carrier) at Branch Post Office, Pachawa, Distt. Sant Kabir Nagar. The vacancy in the post had occurred due to retirement on superannuation of the permanent incumbent whereupon Sri Lalji Singh, GDS (MP), Pachawa was deputed to look-after the work w.e.f 31.12.2002 (AN) as would be evident from letter dated 04.12.2002 (Annexure- 1). By subsequent order dated

08.09.2003 the officiating GDS Sri Lalji Singh was asked to hand-over the charge to the applicant who was to work as a substitute. It appears that Dy. Director General (C), Postal Services by his letter dated 14.08.2003 provided that no vacant post of GDS would be filled up in any office till further instructions. The present O.A seeks issuance of a direction to the respondents to permit the applicant to work on vacant post of GDS (MP) till appointment of regularly selected candidate to the post in question. It cannot be gainsaid that the applicant being a substitute has no right to continue on the post and the order contained in the letter dated 14.08.2003 is in nature of policy decision and the subsequent letter dated 05.09.2003 has been issued pursuant to the said policy decision. No exception can be taken to these orders. Accordingly the O.A is liable to be dismissed. However, nothing herein will prejudice the right, if any, of the applicant to seek alternative appointment under rules and, in case, the applicant files a representation in this regard, the same may be considered and decided by the competent authority positively within a period of three months from the date of receipt of representation alongwith copy of this order.

2. The O.A is dismissed subject to above with no order as to costs.

SAL
Member - A.

Par
Vice-Chairman.

/Anand/