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Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD**

**Original Application 154 of 2005**

Allahabad this the 22<sup>nd</sup> day of February 2005

**Hon'ble Mr. Justice S.R. Singh, Vice Chairman**  
**Hon'ble Mr. S.C. Chaube, Member (A)**

Mohd. Javi Ullaha, S/o Habib Ullaha, R/o Marvatia, Urva Bazar,  
Gorakhpur.

**Applicant**

**By Advocate Shri Ashish Srivastava**

**Versus**

1. Union of India through the Secretary, Ministry of Communication, Department of Post, Dak Bhawan, New Delhi.
2. Post Master General, Gorakhpur Region, Gorakhpur.
3. Senior Superintendent of Post Offices, Gorakhpur Division, Gorakhpur.

**Respondents**

**By Advocate Shri Saumitra Singh**

**ORDER ( Oral )**

**Justice S.R. Singh, Vice Chairman**

Heard counsel for the parties and perused the impugned notification dated 05.01.2005 whereby the Regional Employment Officer, Gorakhpur has been called upon to sponsor the names of candidates eligible for the post. The grounds on which the impugned notification is sought to be quashed is that the applicant is working on the post of Extra Departmental Branch Post Master, Marvatia, Urva Bazar,



Gorakhpur in temporary capacity pursuant to the order dated 20.06.2002 and has acquired right to be considered for regularization. Having <sup>heard & seen</sup> the counsel for the parties, we find no good ground made out for interference in the impugned notification. By order dated 20.06.2002(annexureA-1) the applicant who was working as G.D.S. Mail Carrier, Marvatia was permitted to discharge the duties of Extra Departmental Branch Post Master in temporary capacity, <sup>subject to the rider that</sup> ~~however,~~ such arrangement <sup>will</sup> ~~does~~ not confer any right to the applicant to regularize on the post. Shri Ashish Srivastava, learned counsel appearing for the applicant has placed reliance on D.G.Posts, letter no.43-27/85-Pen.(EDC & Trg.) dated 12.09.1988 in support of his contention that the applicant is entitled to be regularized. The submission made by the learned counsel is misplaced. The letter relied on provides that when an E.D. post falls vacant in the same office or in any office in the same place and if one of the existing EDAs prefers to work against that post, he may be allowed to be appointed against that vacancy without coming through the Employment Exchange, provided he is suitable for the other post and fulfils all the required conditions. This provision, in our opinion, only enables the applicant to be considered for appointment without being sponsored through Employment Exchange. We have every reason to believe that while considering the candidates sponsored by the Employment Exchange, the competent authority shall consider the candidature of the applicant for being appointed to the post in question in accordance with the provisions of law. The provisions <sup>relied on</sup> ~~relied on~~ does not provide for regularization of an E.D. Agent working on the post of Extra Departmental Branch Post Master in a temporary capacity.

2. In view of the above discussions, the applicant is not entitled to the relief of quashing the impugned notification. He may, however, be considered for appointment even if his name is not sponsored by the

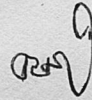
Regd

(K)

Employment Exchange subject of course to fulfillment of requisite conditions. The O.A. stands disposed of accordingly. No order as to cost.



Member (A)



Vice Chairman

/M.M./