

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Transfer Application No. 189 of 1986

(Original Suit No. 203/85)

Vijay Singh

... Plaintiff/applicant

Vs.

Superintendent of Post Offices, Mainpuri,
and others

... Defendants/Opp. Parties

Hathi D.K. Agrawal, JM

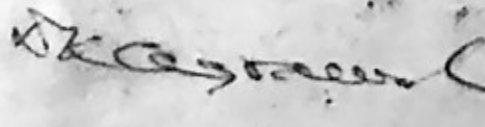
... AM

J U D G M E N T

Delivered by Hon'ble D.K. Agrawal, JM)

Civil Suit N o. 203 of 1985 instituted in the court of
Jf, Mainpuri, on transfer to the Tribunal under the
provisions of Section 29 of the Administrative Tribunals Act,
1985, was registered as Transfer Application No. 189 of 1986.

2. Briefly, the facts are that R.K. Shukla duly appointed
as Extra Departmental Delivery Agent on 24-2-1982 was put off
duty on 20-8-1983. The concerned Extra Departmental Branch
Post Master was required to appoint a substitute and the
plaintiff/applicant namely Vijay Singh was appointed as
substitute u.e.f. the same day i.e. 20-8-1983. Thereafter a
regular selection was held for appointment to the post of
Delivery
Extra Departmental/Agent. Names of various candidates including
one Hari Singh (wrongly described as Hari Ram in the array of the
defendants) were sponsored by the Employment Exchange. The name of
the plaintiff/applicant was not sponsored. However, on an



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application made by the said Vijay Singh (plaintiff), he was also considered for appointment as Extra Departmental Delivery Agent alongwith the names of sponsored by the Employment Exchange. The competent authority as a result of recruitment selected one Hari Singh (arrayed as defendant no. 3) and appointment letter was issued in his favour on 10-4-1985, who took charge of the post on 23-4-1985. Meanwhile an application for interim order which was pending disposal was decided by the learned Munsif by order dated 13-5-1985 and the interim injunction granted to the plaintiff to the effect that he would neither be retrenched nor suspended pending decision of the suit. Miscellaneous Appeal no. 77 of 1985 was filed in the court of District Judge, Mainpuri by Superintendent of Post Offices, Mainpuri, which has also been transferred to the Tribunal, but not numbered separately.

3. We have heard the learned counsel for the parties and perused the records. From the facts as stated above, it is clear that the plaintiff was given appointment as a substitute on 20-8-1983. He was never selected for the post of Extra Departmental Delivery Agent rather he was considered and not accepted as proper candidate for the said post of Extra Departmental Delivery Agent. In this view of the matter, no legal right accrued to the plaintiff/applicant to hold the post. It is also clear from the facts stated above that the plaintiff is not holding the job since 23-4-1985. Therefore, the temporary injunction granted by the learned Munsif was also nugatory in nature. We are of the opinion that no relief is due to the plaintiff. It may be mentioned that the relief prayed for is to the effect that the plaintiff/applicant be neither removed nor suspended, nor a person be appointed other than by the process of law. We have already mentioned that due process of selection has been followed in the appointment of Hari Singh/defendant no. 3 and consequently the plaintiff/applicant is not entitled to any relief.

OK Agrawal

4. The suit is dismissed without any order as to costs.
Miscellaneous Appeal No. 77 of 1985 is also dismissed as being
infructuous without any order as to costs.

Rubanyal
MEMBER (A)

S. G. ...
21.8.90
MEMBER (J)

Allahabad : Dated
August 21, 1990.
ES/