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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALIA HABAD

....
Registration T.A. No. 412 of 1986
(Civil appeal No. 27/86)

Rafiullah ... Appellant/Applicant

vs

Union of India and ors.... Defendants/Respondents

Hon' Mr D.K. Agrawal, J.M.

Hon' Mr K. Obayya, A.M.

(By Hon' Mr D.K. Agrawal, J.M.)

Civil Appeal No. 27/86 instituted in the District Judge, Azamgarh, directed against the judgment and decree dated 28.11.85 passed by the learned Munsif Mohammadabad, District Azamgarh, having received on transfer to the Tribunal under the provision of section 29 of the Administrative Tribunals' Act No.XIII of 1985 and registered as T.A. No. 412 of 1986 as indicated above.

2. The original suit was filed by the appellant Rafiullah for declaration that the appointment of Kamtaram as Chawkidar by an order dated 21.3.84 was bad in law. A decree for mandatory injunction was also sought requiring the defendants to appoint the plaintiff as Chawkidar in Post Office Validpur district Azamgarh.

3. The suit was dismissed by the learned Munsif on merit. Thereafter, the present appeal was filed in the Court of District Judge Azamgarh.

4. The learned counsel for the appellant did not appear on the date of hearing. Therefore, we have heard Shri K.C. Sinha, learned counsel for the defendants/respondents. We have also perused the record. We find

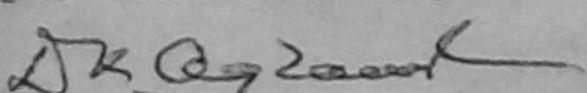
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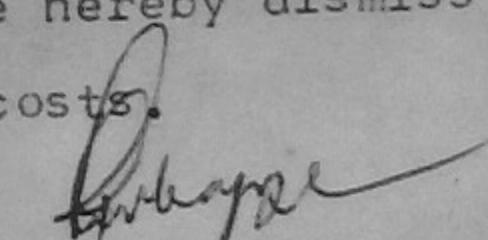
that the appellant-plaintiff namely, Rafiullah was appointed as Chawkidar at Post Office Validpur, District Azamgarh as a stop gap arrangement, purely on ad-hoc basis on 10-2-84. The appointment of Rafiullah appellant was to continue till a regular incumbent was appointed on the said post. The competent authority held a selection on the basis of names sponsored by the Employment Exchange. Shri Kamtaram was selected as Chawkidar. The respondents have alleged clearly in their written statement that the name of the appellant was not sponsored by the Employment Exchange. In pursuance of the selection made by the competent authority the said ~~xxxxxx~~ Kamtaram took over charge of the post of Chawkidar on 23-3-84.

5. The suit giving rise to this appeal was filed on 22.3.84 and later on amended. In any case the suit was filed after the selection was completed. As pleaded by the respondents, the selection was made by an order dated 21.3.84.

6. We have carefully considered the matter. No right accrued to the appellant/plaintiff namely, Rafiullah to hold the post of Chawkidar. His appointment was just a provisional one. He held the post only for about 40 days as a stop gap arrangement. In the circumstances the suit was clearly misconceived. It was rightly dismissed by the learned Munsif. The appeal has no merit, consequently we hereby dismiss the appeal without any order as to costs.


D.K. Agarwal

MEMBER (J)


K. Bhagat
MEMBER (A)

(sns)

May 30, 1990

Allahabad.