

(K2)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

...

Registration T.A. No. 1579 of 1986

(O.S. 405 of 1985)

Deen Dayal ... Plaintiff-Applicant

versus

Union of India and ors.... Defendants-~~Respondents~~

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

Hon' Ms Usha Savara, A.M.

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

Original Suit No. 405 of 1985, instituted in the Court of Munsif City, Bareilly, received on transfer to the Tribunal under Section 29 of the Administrative Tribunals' Act, 1985, was registered as T.A. No. 1579 of 1986 as indicated above.

2. Briefly, the facts are that the plaintiff-applicant namely, Deen Dayal was engaged as Extra Departmental Delivery Agent, Faridpur. Thereafter Postal Stores Depot, Bareilly under Posts and Telegraphs Department was created at Bareilly w.e.f. 1-4-1981. The Superintendent of Post Offices, Bareilly was required to engage some daily wagers. The Senior Superintendent of Post Offices, Bareilly recommended the name of the plaintiff-applicant for appointment to Group 'D' purely on temporary basis, terminable at any time without any notice. Consequently the plaintiff-applicant was appointed as Group 'D' vide order dated 20-2-1984. The applicant joined w.e.f. 24-2-1984. The concerned authority, vide order dated 10-9-85 relieved the applicant of his duties

D.K.A.

as Group 'D' employee and directed him to go back to join as Extra Departmental Delivery Agent at Faridpur(his original post). The plaintiff-applicant was, therefore, relieved on 10-9-1985.

3. The prayer in the suit is for issuance of permanent injunction restraining the defendants-respondents not to relieve the applicant from the post of Group 'D'. Since the plaintiff-applicant was relieved on 10-9-85 itself, and the application for temporary injunction was also refused by the learned Court below, vide order dated 24-10-85, with an observation that the plaintiff-applicant having been relieved before the filing of suit on 12-9-85, the suit had become infructious . We are in perfect agreement with the observation of learned Munsif. The plaintiff-applicant having been relieved on 10-9-85 and the suit having been filed on 12-9-85 it was rendered infructuous. We may also add that there is no legal right to the plaintiff to continue on the post of Group 'D'. It was in the nature of stop gap arrangement.

4. In the result, the suit is dismissed as infructuous without any order as to costs.

h. Farooq
MEMBER (A)

Dr. Aggarwal
MEMBER (J) 18.12.90

(sns)

December 18, 1990
Allahabad.