

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

.....

Registration T.A. No. 1613 1986
(O.S. No. 1016 of 1985)

Azad Kumar Plaintiff/
Applicant.

Versus

Union of India and another Defendants/
Respondents.

Hon. Mr. A.B. Gorthi, Member (A)
Hon. Mr. S.N. Prasad, Member (J)

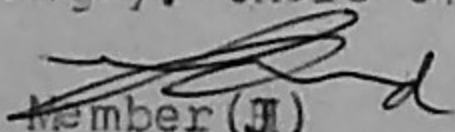
(By Hon'ble Mr. A.B. Gorthi, Member (A))

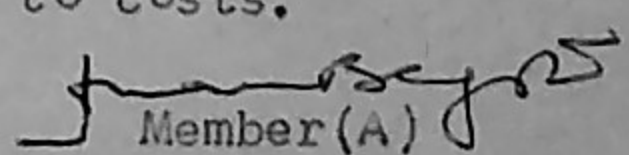
Sri Azad Kumar, apprehending that his services as 'Extra Departmental Agent' would be terminated by the defendants, filed a suit No. 1016 of 1985 in the court of Munsif Agra, which is now before us on transfer to the Tribunal under Section 29 of the Administrative Tribunals Act 1985. The plaintiff joined the service as Mail Peon at Idgah Bus Stand, Agra on 16.8.1983 and in due course, he was deputed on the post of Extra Departmental Agent on a consolidated salary of Rs. 250/-. There was a demand from the office of the 'Employment Exchange' U.P. for verification of the work and conduct of the plaintiff vide letter dated 26.7.1985. The plaintiff claims that a satisfactory report had been forwarded by the department. He subsequently apprehending that his service would be terminated, has filed this suit. He has succeeded in his

AP
2

a substitute on 'Temporary Basis'. He was engaged on the responsibility of his father Sri Shanti Swaroop, who is a Group-D official in Agra Head Office. Thereafter, ^{with} ~~in~~ a view to fill up the vacancy on a regular basis, names of candidates were asked for from the employment exchange. Certain names came but the name of the applicant was ^{not} ~~in~~ the said list and after due process of selection, one Janak Singh was selected for being appointed as 'Extra Departmental Agent' but he could not ^{be} so appointed on account of the interim order passed by the learned Munsif, Agra. ^{But for the} ~~Due to~~ interim order of the court, the services of the plaintiff would have been legitimately terminated under rule-6 of the Extra Departmental Agents (Service and Conduct) Rules, which provides for termination of service without assigning any reason ~~in~~ respect of employees who have not completed 3 years service.

3. Admittedly, the plaintiff has continued in his appointment ever since his engagement ~~in~~ the year 1983. He having served the department for more than 8 years, it would be neither fair nor in the interest of justice for the department to terminate his services at this stage. We, therefore, allow the plaint of the plaintiff and direct the respondents not to disturb the plaintiff from his present appointment solely on the grounds that his initial appointment was only as a substitute and that as his name was not sponsored by the Employment Exchange. The suit of the plaintiff is decreed accordingly. There shall be no order as to costs.


Member (J)


Member (A)

Dated: 03.2.1992

(n.u.)