

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL-ALLAHABAD BENCH  
ALLAHABAD.

Transfer Application No. 1415 of 1987.

Shri Santosh Kumar..... Applicant.

Versus

Shri Giriraj Kishore and others..... Opp. Parties.

Hon'ble Mr. Justice U.C. Srivastava - V.C.  
Hon'ble Mr. A.B. Gerthi - A.M.

(By Hon'ble Mr. Justice U.C. Srivastava - V.C.)

As the post of Extra Departmental Sub PostMaster Office Palson District Mathura which has been held by the applicant, on the death of Anand Lal was being offered to one Sri Giri Raj Kishore the applicant approached the High Court, and operation of law, the writ petition was transferred to this tribunal.

After the death of Anand Lal, the applicant applied to the post on 28.9.1983 for being appointed as Extra Departmental Sub Post Master Palson District Mathura as he has already served the Department earlier and also the applicant was appointed, but abruptly on 20th February, 1984 the applicant was required to handover charge to O.P. no. 1 who has come forward with the allegations that he now been appointed. The applicant's appointment was cancelled without giving any opportunity of hearing or giving him a chargesheet. The respondents have refuted the claim of the applicant and have stated that on the record of Sub Divisional Inspector Mathura that Extra Departmental Sub Post Master has died and the charge of the office was held

by the Line Over-seer. Thereupon the Sub Divisional Inspector was asked to intimate if it was possible to give charge to the Extra Departmental Delivery Agent as a stop gap arrangement. But the Extra Departmental agent was not willing to take charge, in addition to the duty and the applicant has applied that he should be engaged on Temporary basis and give an undertaking that whenever the regular appointment is made, his services can be terminated and he would handover charge. The applicant was appointed as Stop Gap arrangements. The application for the said post was invited and the applicant's application was also considered, but the respondent no. 1 was found to be selected candidate and that is why why he was appointed in the provisional appointment and appointment of the applicant came to an end. It was not open for him to claim the post on any ground as his appointment was a stop gap arrangement and he gave an undertaking that the appointment would last only until regular appointment is made for which post he also made an effort, but the applicant was not selected. As the appointment of applicant was only provisional stop gap arrangement the applicant has no right to the post and as such his assignment rightly came to an end. As such the application ought to be dismissed. But in view of

W/

Contd.....3.

the fact that the applicant earlier also was considered a fit person after refusal by the Department to take the charge to work as Extra Departmental Sub Branch Pest Master, there appears to be no reason why the applicant may not be accommodated by the department as and when vacancy arises in the circle taking into consideration the experience gained by the applicant.

No order as to the costs.

*J. M. S.*

A.M.

*U*

V.C.

Dt: January 21, 1992.

(DPS)