

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH.

Transferred Application No.1788 of 1987.

Gyan Chand Misra .....Applicant.

Versus

Superintendent of Post Office, Mirzapur  
Division, Mirzapur & others.....Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. A. B. Gorthi, A.M.

( BY Hon'ble Mr. Justice U.C. Srivastava, VC)

The applicant was appointed as Extra Departmental Delivery Agent in the postal department and was given duty in the Branch Post Office of Barondha which situates in his own house. The applicant had given this premises for use of the department but no rent has ever been paid to him. He worked as such upto 12.12.79. After retirement of the then Branch Post Master on 10.2.84, the applicant, who was working for the last five years, was considered fit by the department for the said post and consequently he was given charge on 10.2.84. The applicant handed over the charge of Extra Departmental Delivery Agent to another person. A circular was issued by the respondents in the year 1985 inviting applications for the post of Extra Departmental Branch Post Master, Barondha. The applicant was waiting for interview on the basis of application but instead of calling him for interview, he was asked to handover charge to one Radhey Shyam Gupta s/o Atma Ram who was earlier Extra Departmental Branch Post Master. The applicant's grievance is that the

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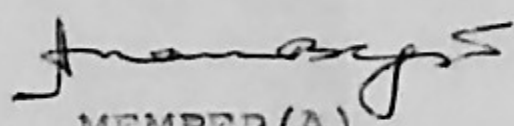
respondent no.3, who is 45 years of age, is a big agriculturist and has the medical store and is also a Contractor having a tractor with trolley plying on the road himself and doing business of loading grain, bricks and other materials, has wrongly been appointed and this has been done because of the influence exercised by one Shobha Nath Yadav. The applicant has challenged the appointment of respondent no.3 on a number of grounds and stated that he could not have been ousted in this manner from the post of Extra Departmental Branch Post Master on which he worked for 13 months. As per complaint of the respondents, it appears that the applicant is still holding the charge of the aforesaid post and he has not handed over the charge.

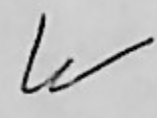
2. The respondents have pointed out that the case of the applicant was also considered along with the case of Radhey Shyam Gupta and there was no provision for interview, that is why the applicant was not called for interview and Radhey Shyam Gupta was considered fit for interview, that is why he was appointed as such. The respondents have denied that respondent no.3 is having a medical store and as a matter of fact, according to respondent no.3, he has put some Ayurvedic medicine store for the benefit of the people and he has no tractor or trolley nor has he indulged in loading grains or bricks or other materials.

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The respondents have pointed out that the applicant, who was holding charge as a stop-gap-arrangement, acquires no right for the said post<sup>as</sup> he was never appointed on regular basis. As the applicant was not selected, the only ground on which the appointment has been challenged is that he was not called for interview and the other ground is in respect of financial position of the respondent no.3. We have already observed that the interview was not necessary. So far as previous permission for engagement in business is concerned, the applicant has claimed to have substantiated the same. As such the application deserves to be dismissed. However, the Superintendent of Post Office is directed to make an enquiry in the matter that the respondent no.3 has got various engagements in business which would mean that he has no time to do the post-office work and <sup>may</sup> get the same done through others. <sup>d</sup> The proceedings for cancellation of his appointment and fresh appointment may be taken. No order as to costs.

  
MEMBER (A)

  
VICE CHAIRMAN.

DATED: MAY 14, 1992

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