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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

Registration D.A.No. 689 of 1987

Lal Bahadur Singh

....

Applicant

Vs.

Union of India & Others

....

Respondents

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

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

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant was appointed as Extra Departmental Delivery Agent on 28.3.86 at Katari in the leave vacancy of his father. His services were terminated on 24.10.86. The applicant filed an appeal against the termination order before the Director of Postal Services, Allahabad. The appeal was rejected vide order dated 1.5.87, and that is why he has approached the Tribunal.

2. The applicant's father was earlier a Postman and retired from service and his elder brother was appointed as Extra Departmental Delivery Agent to work in the leave vacancy of one Shri Kailash Nath who handed over the charge to the applicant 27.3.1986. The applicant has been working in place of the said Kailash Nath as per charge given by him. As the Kailash Nath was appointed somewhere else he was asked to resign, but he did not tender his resignation and ultimately process for appointment on the said post started. The appointment of the applicant obviously was not in accordance with rule and his services were put to an end on the ground that he was not the resident of the village Katari but was the resident of another village. In support of his plea that he was a permanent resident of village Katari the applicant filed a certificate of Pradhan who ~~itself~~ stated that of course he was the resident of another village but for the time being he is staying in the village Katari. Certain other certificates have also been filed but having been found that he was in fact the regular resident of another village and ~~not~~ the resident of village Katari his appointment which was brought in the manner stated above was put an end to.

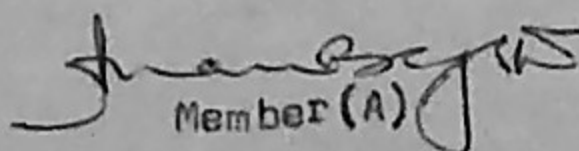
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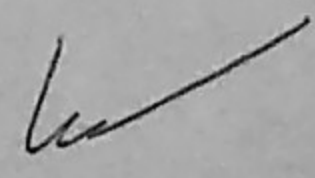
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3. The respondents have opposed the application and have pointed out that the applicant had no right to the said post and the applicant got the appointment because of the said Kailash Nath who appointed him illegally as a substitute. The case of the applicant was also considered for appointment, but as he was not the regular resident of the village Katari, the appointment was not given to him. It is clear from the record that infact the applicant was originally the resident of village Kohansi and was not the resident of village Katari. The applicant is residing at Katari only for the last few days that did not make him the resident of the village Katari and that is why his services were terminated and were rightly terminated.

4. Learned counsel for the applicant contended that the Village Kohansi was within the delivery circle of the Katari post office and as such his appointment could have been retained or he could have been appointed afresh. Maybe so, but the applicant's definite case was that he was the resident of village Katari and not the resident of another village and that is why he lost the case. If he would have come forward with the case he is the resident of another village which is within the delivery circle of Katari, then the authority would have consider his case. The applicant is to suffer because of ^{the} incorrect stand taken by him which was against the fact. As such the application deserves to be dismissed. But in view of the fact that the applicant has gained experience and he is the resident of the village which is within the delivery circle of Katari Post Office, the respondents may consider him for appoiatment on the said post if there is a vacancy in the said delivery circle. The application is otherwise dismissed. There will be no order as to costs.


Member (A)


Vice-Chairman.

22nd January, 1992, A11d.

(sph)