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CENTRAL ADMINISTRATIVE TRIBUNAL, ALIAHABAD BENCH
ALIAHABAD.

O.A. No. 1023 of 1987.

Rajendra Singh Applicant.

Versus

Superintendent of Post Offices & others ... Respondents.

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

Hon'ble Mr. K. Obayya, A.M.

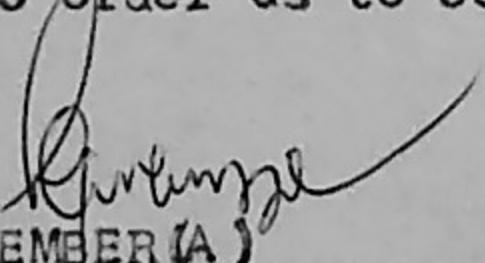
(By Hon'ble Mr. Justice U.C. Srivastava, V.C.)

The applicant was appointed provisionally as an Extra Departmental Packer, Branch Post Office Chhillatara, subject to satisfactory police verification report vide appointment letter dated 13.3.83. It was mentioned therein that his appointment shall be in the nature of contract liable to be terminated by the respondents by notifying to other in writing and he shall be governed by P & T. E.D.A. (Conduct & Service) Rules. In the letter, it was not mentioned that the appointment was made in place of some person. The applicant worked for 4½ years continuously without any break. Vide order dated 15.10.87 his services were terminated because the previous incumbent was restored back to office vide order dated 10.10.87. The contention on behalf of the applicant is that it was not a stop-gap-arrangement and his appointment letter also never indicated that it was only a stop-gap-arrangement and consequently, his services could not have been terminated.

2. The respondents have opposed the pleas of the applicant contending that the previous incumbent was put off duties because certain disciplinary enquiry was contemplated against him and the disciplinary enquiry ultimately resulted in his favour and that is why he was reinstated. It was the

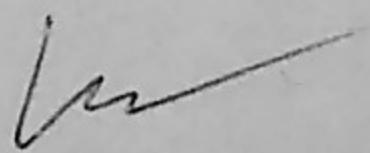
duty of the respondents to apprise the fact to the applicant that he is being appointed in place of a particular person and in case he comes back or is reinstated, he will be discharged from service. The applicant was kept under dark by the respondents themselves with the result that he worked for years together in the office. It may be that he worked under the hope that he will get a regular appointment and it was also possible because he got appointment and he did not make any effort for getting appointment elsewhere but as the disciplinary proceedings against the previous incumbent were pending, obviously, the post, as such, was not vacant and when he/restored back to office he resumed his duties as such. But in view of the fact that the applicant has worked for more than $4\frac{1}{2}$ years and the respondents are guilty of not telling him that he is being given a provisional appointment in place of a particular person. As such, the applicant's appointment as an E.D.Packer in another Post Office requires consideration. Accordingly, the respondents are directed to give priority and preference to the applicant in the matter of appointment as E.D.Packer in the same Division or elsewhere in preference to new comers in view of the facts stated above. If possible, let it be done within a period of four months from the date of communication of this order. With these observations, the application stands disposed of.

No order as to costs.


MEMBER (A)

DATED : NOVEMBER 30, 1992.

(ug)


VICE CHAIRMAN.