

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Original Application No. 156 of 1992

On Prakash Bind

..... Applicant

Versus

Union of India and Others

..... Respondents

CORAM:

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

Hon. Mr. V.K. Seth, Member(A)

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

The pleadings are complete, as such the case is being heard and disposed of finally after hearing the counsel for the parties. One Sukhai Ram, Extra Departmental Mail Carrier at Nadini, Mirzapur gave his resignation on 20.1.89. The Supdt. of Post offices accepted the resignation on 31.1.89 and directed the Branch Post master to engage a suitable person at his personal responsibility. The Branch post master engaged the applicant who claims to be the real nephew of the said Sukhai Ram and according to whom it is because in order to provide him job, he tendred resignation otherwise there was no purpose behind his resignation. The applicant was thus engaged as a substitute which is also evident from the letter of appointment. The applicant continued to work for some three years and thereafter the respondents appointed one Kamala Shanker Yadav who had rendered 12 years of services and the services came to an end against the person in place of whom he was working

was acquitted from the criminal case and reinstated and he was to be provided with a job and as no person was holding the charge at the post office he was given appointment.

2. According to the applicant as he was duly appointed and <sup>which</sup> ~~there~~ was no more or less <sup>in</sup> nature of compassionate appointment, the appointment could have come to an end. Obviously, the applicant <sup>will</sup> ~~is~~ still have no right for the said post and the said Kamla Shanker Yadav has ~~been~~ worked more than the applicant and that is why he has been given appointment and the applicant cannot <sup>make</sup> ~~be made~~ any complaint against it. But in view of the fact that the applicant has also worked for three years there appears no reason as to why his case for alternative appointment could not be considered. Incase it is possible to accommodate Kamala Shanker Yadav elsewhere, and applicant at this very place ~~and that~~ <sup>can</sup> the same/also be done but the applicant's case ~~for~~ consideration will be in view of ~~the fact~~ the work and experience gained by him. With these observations, the application stands disposed of finally with no order as to costs.

Member(A)

Vice Chairman

Dated: 27.4.1993

(Uv)