

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

DATED: THIS THE 5TH DAY OF NOV '1997

CORAM: Hon'ble Mr. Justice B.C.Saksena VC
Hon'ble Mr. D. S. Baweja AM

ORIGINAL APPLICATION NO. 1702/92

Versus

1. Union of India through the Secretary,
Ministry of Post and Telegraph,
New Delhi.
2. Senior Supdt. of Post Offices,
Mirzapur, District Mirzapur.
3. The Sub-Divisional Inspector,
Churk, Robertsgunj, Sonbhadra- - - - - Respondents

C/R Sri C. S. Singh

ORDER

By Hon'ble Mr. Justice B.C. Saksena VC

We have heard counsel for both the parties. Through this O.A., the applicant seeks direction to be issued to the respondents restraining them from filling up the post of Extra Departmental Delivery Agent, Sub-post office Tarawan (Roberts gunj) Sonbhadra. Requisition to fill up the said post was sent to the Employment Exchange by letter dated 10.8.

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A/V
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22.10.1992. The applicant's grievance is that though he had been working for the last one year prior to the said requisition, his name had not been sent by the Employment Exchange. He claims that by reason of having worked for one year, he has a prior right to be considered for regular appointment. The applicant was not given appointment on the said post but was only engaged as a Substitute E.D.D.A. on the risk and responsibility of another E.D.D.A. Such an appointment, which is provisional in nature does not give any legal right to the applicant's continuance on the said post.

In the rules governing the appointment of E.D.D.A., the procedure prescribed is for calling the names from the Employment Exchange. The Employment Exchange is requested to send atleast 3 and not more than 5 names. The Employment Exchange had sent the names for consideration for appointment on the post in question in response to the requisition sent in the year 1992 and since there was no interim order, ~~it was decided by the respondents~~ ^{may be} ~~to~~ ^{have} fill up the post in a regular manner. Since the applicant has failed to show any legal right ~~for~~ ⁱⁿ preference ~~to~~ such appointment, the relief claimed by him cannot be granted. O.A. is accordingly dismissed, leaving the parties to bear their own costs.

S. Bhawali
A.M.

B. Chakravarthy
V.C.