

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

Registration O.A. No. 24 of 1992

Ganesh Ji ... Applicant.

Versus

Unioq of India  
and others ... Respondents.

Hon. Mr. Justice U.C.Srivastava, V.C.  
Hon'ble Mr. V.K. Seth, Member(A)

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

The applicant was appointed as 'Extra Departmen-  
-tal Branch Post Master in village and post Karsi  
District Ballia, on 23.5.1991. He was sent for  
training and after completion of training he  
was ordered to take charge of post-master Karsi.  
On 1.6.1991, the applicant took the charge of  
Post Master Karsi from Sri Ram then E.D.Post  
Master. and he is still working with the respondents  
as Post Master, Karsi continuously from the date  
of his appointment. The appointment of the  
applicant is made with the condition that till  
the regular appointment of a candidate has been  
made, he will continue on the post and till today  
no regular appointment has been made by the  
respondents as post master Karsi, and the applicant  
is still holding the said post. Thereafter, Km.  
Neelam has been selected on his place and the  
respondents have stated that although, she has  
been intermediate pass and the applicant is only  
High School pass, as such, she has been selected

- 2 -

although, under the relevant rules, the minimum qualification is only that one should be 8th class pass. The rule do not provide anywhere that one who has been received still higher education will be given preference in comparison to one who has received the lower education and the complaint of the respondent no.3 against the applicant found favour of the authority and that is why an order was passed appointing Km. Neelam in place of the applicant. In our opinion, if for provisional appointment, the applicant was most suitable candidate, as such, there was no occasion for any higher authority to interfere in the matter and passed an order that because another candidate, has received a higher education, as such, she may be appointed. Even if the respondent has studied upto intermediate, but that was no ground for interference, and no such power has been given to the superior authority to interfere in the matter of the provisional appointment i.e. for time being in this manner, and the applicant's appointment was valid till the regular appointment has been made in accordance with the condition of the appointment and no regular appointment has been made by the respondents and Km. Neelam has also been appointed on provisional basis after terminating the services of the applicant.

2. Accordingly, this application is allowed and the termination order of the applicant is quashed and the applicant will be reinstated in service forthwith but it is however, been

-3 -

~~000~~ made clear that as far as the salary for the period is concerned, the respondents themselves will decide whether to <sup>pay</sup> him any amount or not in accordance with law. The respondents will expedite the matter. The application is disposed of with the above terms. There will be no order as to costs.

Member(A)

Vice-Chairman

Dated: 8.4.1993

(n.u.)