

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

O.A.No. 29/92

Akhtayar Ahmad.....

.....Applicant

Versus

Union of India and others.

.....Respondents.

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

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

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


As the pleadings are complete the case is being heard and disposed of finally.

2. The applicant was appointed as Extra Departmental Branch Post Master provisionally on 17.3.75. Although it was not mentioned in the order that he was being appointed in place of Mahmudul Hasan the Extra Departmental Branch Post Master of the post office, Kusum Khore, District Farrukhabad who was put off ~~on~~ duty but the appointment indicated that it was a provisional appointment. The applicant as required furnished a medical certificate it appears that ultimately the said Mahmudul Hasan who was put off ~~on~~ duty was reinstated back in service and that is why the impugned order terminating the services of the applicant <sup>as his service</sup> came to an end and the order of reinstatement <sup>of</sup> Mahmudul Hasan was passed. This order xxxxxxxxxxxxxx was challenged in this application. The grievance of the applicant is that he was appointed in a clear vacancy on regular basis and he worked for 15 years and his work and conduct has been exemplary ~~xxx~~ and his services could not have been terminated. It is true that the applicant has worked for 15 years but when he was given appointment the post was not vacant as the proceedings against the said Mahmudul Hasan were still not completed. He continued to work

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for 15 years, but his services came to an end the said Mahmudul Hasan has been reinstated as such the applicant has got no right to claim for the said post. But in view of the fact that he has worked for 15 years he has a preferential right to get an appointment as Extra Departmental Branch Post Master in any other branch post office in the vicinity or near about or elsewhere and accordingly with the direction, that the case of the applicant for appointment as extra departmental branch post master on priority and preferential basis in view of the fact that he worked for 15 years, may be considered. The application is accordingly dismissed.

  
A.M.

  
V.C.

Dated: Allahabad  
29th Sept., 1992

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