

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 19TH DAY OF DECEMBER, 2000

Original Application No.1830 of 1993

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI, V.C.

HON.MR.S.DAYAL, MEMBER(A)

Suaib Ahmad Shah, Son of Abdul Raheem,
Resident of Village and Post Biskohar,
District Sidharth nagar.

... Applicant

(By Adv: Shri M.K.Upadhyा)

Versus

1. Union of India through the Director
Postal Services, Gorakhpur Region
Gorakhpur.

2. Superintendent of Post Offices,
Basti.

3. Ram prakash Pathak, Resident of
Village Basi, District Sidharth Nagar.

... Respondents

(By Adv: shri Rajesh Mishra)

O R D E R (Oral)

(By Hon.Mr.Justice R.R.K.Trivedi, V.C.)

By this application u/s 19 of the A.T.Act 1985 the applicant has prayed for a direction to the respondents not to appoint respondent no.3 on the post of Extra Departmental Branch Post Master, Biskohar, district Sidharth Nagar. Shri Upadhyा learned counsel appearing for the applicant submitted that respondent no.3 though was a retrenched employee however as his name continued in the register maintained for retrenched employees for more than a year he was not entitled for preference in the matter of appointment and the respondents have committed illegality in appointing him as E.D.B.P.M.

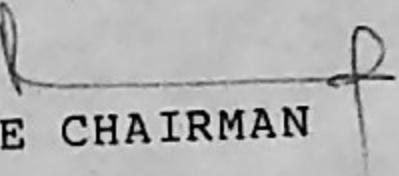
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In counter affidavit the claim of the applicant has been registered on the ground that respondent no.3 had already served the department for five years and he was a retrenched employee. He had served as Extra Departmental Branch Post Master, Kathela from 1.3.1988 to 7.5.1993. It is also stated that the Post Master General considering his past services had directed to accommodate the retrenched employee. Considering the facts and circumstances as the respondent no.3 was a retrenched employee and had already served the department for five years his appointment cannot be said to be illegal and arbitrary. The applicant was a candidate for the post but he had no indefeasible right. The claim of the respondent no.3 was better. We do not find any illegality in the order, and the application has no merit and is accordingly rejected.

There will be no order as to costs.


MEMBER (A)


VICE CHAIRMAN

Dated: 19.12.2000

Uv/