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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

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O.A. No. 287 of 1993

Dated: 31 May, 1995

Hon. Mr. S. Das Gupta, Member(A)
Hon. Mr. T.L. Verma, Member(J)

Shri Bhagwat son of Sri Ram Karan Yadav,
Resident of Siswari Raghbir Singh, Post
Kasaila, District Basti. ... Applicant.

(By Advocate Smt. Anita Tripathi)

versus

1. Union of India through Director
General, Post Office Lucknow.
2. Senior Superintendent of Post Offices,
Basti Division Basti.
3. Superintendent of Post Office, Basti
Division Basti.
4. Sub-Divisional Inspector (East)
Basti. Respondents.

(By Advocate Sri A. Sthaleker)

O R D E R

(By Hon. Mr. S. Das Gupta, Member(A))

This application has been filed under Sec. 19
of the Administrative Tribunals Act, 1985 seeking relief of a direction to the respondents to regularise the services of the applicant and to continue him in service on the post of Extra Departmental Runner (E.D.R. for short) at the post office Kasaila, District Basti and also not to interfere in his functioning.

The applicant has stated that he was appointed on the post of E.D.R. on 9.4.1992 vide appointment letter,

a copy of which is at Annexure- A 1. His appointment was on the post vacated by his father who was appointed in group-D cadre. It is stated that the applicant has been continuously working on the said post and his work and conduct have been very good. The applicant was, however, verbally informed by the respondents that they were going to appoint someone else on this post and the services of the applicant would be terminated. On the apprehension that his services would be terminated, the applicant approached this Tribunal for the reliefs aforementioned.

2. The respondents have filed their counter affidavit. It has been submitted therein that the applicant was only asked to look after the charge of the post of E.D.R. by his father temporarily while he was posted in the group-D cadre. It is contended that the applicant cannot, therefore, claim regularisation as E.D.R. automatically without his name being sponsored by the employment exchange. It has been further stated that the post on which the applicant's father was appointed is likely to be abolished under the Biennial Cadre Review Scheme(B.C.R. for short) and as such, there is likelihood of his being reverted to his original post. However, since another post was likely to fall vacant in the Group-D cadre, there was a possibility of regularising the applicant's father against the said vacant post. On this basis the post on which the applicant was working temporarily was sought to be filled on regular basis. Accordingly, the employment exchange was asked to sponsor

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names. While this matter was under progress, ~~the application~~ ^{the application} was received for appointment on compassionate ground ^{w. who died in harness} from the son of an E.D.R. The Chief Post Master General, Lucknow vide its order dated 18.1.1993 ordered the appointment of the son of the said deceased employee on compassionate ground on the post of E.D.R. on which the applicant had been earlier working. Meanwhile, three names were also sponsored by the employment exchange but no further action was taken on the same as the post was filled by appointment on compassionate ground.

3. The applicant has filed a rejoinder affidavit in which the contentions made in the Original Application have been reaffirmed. It has been further stated that the applicant is ^a resident of the same village in which the branch post office is situated, whereas, the village in which the appointee ~~is~~ on compassionate ground ~~is~~ resides, is near the village in which the branch post office is situated.

4. The applicant has also filed a Supplementary Affidavit stating that there are two more posts of E.D.R. vacant in the District Basti and that he should be considered for one of the same.

5. We have heard the learned counsel for the parties and have carefully gone through the pleadings of the case.

6. It is clear from the appointment letter at Annexure-A 1 that the applicant was appointed as a Substitute ^{w. for his father} on the latter's risk and responsibility.

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It was not a regular appointment and as such, this appointment cannot confer any right on the applicant to continue indefinitely on this post. Since a regular appointment has already been made on this post and in the relief clause, no prayer has been made for quashing of the said appointment, this application itself has become infructuous. This apart, we see no irregularity committed by the respondents in appointing a person who was a son of ~~an~~ a deceased employee appointed on compassionate ground on the post on which the applicant was working only as a stop gap arrangement. The application has clearly no merits and deserves to be dismissed. The application is accordingly dismissed. No order as to costs.

J. M. D.
Member (J)

W. P.
Member (A)

(n.u.)