

RESERVED

Central Administrative Tribunal, Allahabad Bench,
Allahabad.

Dated : This 16 th Day of February 1999.

Coram:- Hon'ble Mr. S. Dayal, Member (A)

Hon'ble Mr. S.K. Agrawal, Member (J.)

Original Application No. 446/93.

Dina Nath Yadav, son of Lekhraj Yadav resident of
village Mirzapur, Post Office Pichari, Distt.

Azamgarh.

... Applicant.

C/A Sri A.S. Diwakar, Advocate.

Versus

1. Union of India through Secretary, Ministry
of Post & Telegraph, New Delhi.
2. Sub-Divisional Inspector, Mohammadabad, Gohna
Distt. Azamgarh.
3. Inspector of Post Offices, Mohammadabad Gohna,
Distt. Azamgarh.
4. Senior Superintendent of Post Offices,
Azamgarh.

... Respondents.

C/R Kumari Sadhna Srivastava, Advocate.

ORDER

ORDER BY HON'BLE MR. S. DAYAL, MEMBER (A)

This is an application under section 19 of
the Administrative Tribunals Act 1985.

The applicant has come to the Tribunal
seeking the relief of a direction to the respondents
not to appoint the regular selected candidate and
to provide preferential chance of the employment to

the applicant.

The applicant has mentioned in the facts that he was appointed as Mail Runner on a Class IV post in Extra Departmental Post Office, Pichari, Distt. Azamgarh in a vacancy caused due to suspension of one Girish Chandra Mishra pending departmental proceedings against him. The applicant was appointed on 1.10.85 and he worked till 20.3.87. The applicant again worked for a brief period till 1.2.88 in village Rautmau as Extra Departmental agency against put off vacancy of one Sri Rajdeo Yadav till the reinstatement of Sri Rajdeo Yadav. His services were terminated on 1.2.88 when Sri Rajdeo Yadav resumed duties. The applicant was again appointed as Extra Departmental Agent Khairabad on a vacancy caused due to suspension of one Sri Lal Chandra Yadav on 1.2.88 and he worked there till 30.9.88. The applicant again claims to have appointed as E.D. Agent Punji from 3.10.88 to 5.9.89. On account of the incumbent being put off and his appointment was till reinstatement of the previous incumbent or regular appointment to the post. The applicant has claimed similar short term of work in the branch office of Mohammedabad Gohna, Bichpura then again at Mohammedabad Gohna. The applicant expresses apprehension that he would be made to hand over the charge of this post also. He claims that he is a retrenched employee and is entitled to have preferential consideration for regular appointment. He also mentions that he is getting over age and is therefore not likely to get another chance of service.

The respondents have filed their counter reply. They have shown in paragraph 4 of the counter reply that the applicant worked for brief periods on

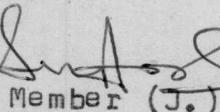
stop gap vacancies and had last worked from 1.2.93
paid
to 17.3.93 as contingency/Chaukidar in Mohammadabad
Gohna. It is stated that one Sri Jhilmit Yadav was
appointed on this post as C.P. Chaukidar on 1.6.93 and
has been working from 17.3.93 afternoon.

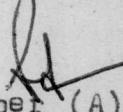
Arguments were heard.

The applicant has claimed as relief a direction
to the respondents not to appoint regularly selected
candidate and provide preferential chance of
employment to the applicant. Such a relief is merely
not admissible.

The applicant had filed his O.A. on 26.2.93
and had handed over the charge of the post of
C.P. Chaukidar Mohammadabad Gohna on 17.3.93. The
C.A. was filed in this case on 13.1.94. Yet the
applicant has not filed any R.A. The respondents
have assured in their C.A. that whenever regular
appointments are made the candidature of the
applicant would be considered.

In the light of above facts we are of the
opinion that the reliefs claimed by the applicant can
not be allowed. The O.A. is therefore dismissed as
lacking in merits. There shall be no order as to costs.


Member (J.)


Member (A)