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CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
THIS THE 23RD DAY OF OCTOBER, 1997

Original Application No. 57<sup>4</sup> of 1993

HON.MR.JUSTICE B.C.SAKSENA,V.C.

HON.MR.S.DAS GUPTA, MEMBER(A)

Kapil Deo Sharma, son of Shyam Narayan  
Sharma, resident of village Phulesh, Post  
office Phulesh,, district Azamgarh

.. .. Applicant

(By Advocate Shri G.D. Mukherji)

Versus

1. Union of India through Secretary  
Ministry of Communication
2. The Post Master General Allahabad  
Region, Allahabad Incharge  
Gorakhpur Region.
3. The Superintendent of Post Offices  
Azamgarh Division, Azamgarh
4. Ram Karan Rai, EX E.D.B.P.  
R/o village and Post office Phulesh  
District Azamgarh.

.. .. Respondents

(By Advocate Km. Sadhna Srivastava)

O R D E R(Oral)

JUSTICE B.C.SAKSENA,V.C.

Misc. application No. 3555/97 has come up for orders before us. This is an application for substitution of the legal heirs. The learned counsel for the respondents points out, and rightly <sup>So</sup> ~~show~~ <sub>Bl</sub> that the OA was directed against an order dated 19.3.93. The applicant had been appointed consequent to disciplinary proceedings against the regular incumbent of the post. Finally the appellate authority had allowed the appeal and the regular incmumbent has joined, the applicant's services have therefore been dispensed with. The prayer in the OA was for setting aside the order as also for commanding the respondents not to take over charge on the post of the applicant. The right was a personal right of the applicant K.D. Sharma, <sup>A</sup> After his death no cause of action survives to the

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benefit of the legal heirs. The application <sup>for</sup> ~~of~~ substitution is therefore misconceived and it is accordingly rejected. The OA also has become infructuous and is accordingly disposed of.

MEMBER(A)

VICE CHAIRMAN

Dated: 23rd October, 1997

Uv/