

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

Allahabad this the 25th day of November 1994.

Original Application no. 586/93

Hon'ble Mr. T.L. Verma, Member J
Hon'ble Mr. S. Dayal, Member A

Ram Saran Singh, S/o Lalloo Singh, R/O Village Jogipura,
Post Office Nasirpur Banwari, at Jogipura, District
Bijnor.

... Applicant

C/A Shri V. Singh

Versus

1. Superintendent, Post Offices, Distt. Bijnor.
2. Assistant Superintendent, Post Offices Dhampur,
Sub Division Dhampur, Distt. Bijnor.

.... Respondents.

C/R Shri N.B. Singh

ORDER

Hon'ble Mr. S. Dayal, Member-A

This is an application under section 19 of the Administrative Tribunal Act, 1985, for regularisation of the services of the applicant as E.D.B.P.M. and not to fill up the post in pursuance of advertisement dated 27.01.93.

2. Since the matter relates to service of the applicant under the Central Government establishment in Basirpur Banwari village of Bijnor, it comes within

the jurisdiction of Allahabad Bench of the Central Administrative Tribunal. The applicant has stated in the application that matter has not been filed before any other Court, authority or Tribunal. The applicant has approached this Tribunal without preferring any representation before the departmental authorities because he has stated that no remedy is available to him ~~under~~ ^{the} illegal order of the respondents.

3. The application has been filed in the Tribunal on 13.4.1993. The cause of action arose on or after 27.1.1993. Therefore, the application ^{has} ~~has~~ been made within the prescribed period of limitation.

4. The facts narrated by the applicant in his application ~~are~~ that the services of Shri Mahipal Singh who was the E.D.B.P.M., Post Office, Nasirpur Banwari, were terminated and post fell vacant in 1992. The applicant was a resident of village Jogipura, which was under the jurisdiction of Nasirpur Banwari post office and, therefore, the applicant claims that he was qualified to be appointed as E.D.B.P.M., Nasirpur Banwari. The applicant was appointed by Superintendent Post Office, Bijnor on the post of E.D.B.P.M., Nasirpur Banwari on 21.10.1991. The post office was being operated in village Jogipura. He claims that the respondents never informed the applicant that he had been appointed for a limited or fixed period. He claims regularisation on the post of E.D.B.P.M., Nasirpur Banwari because he had continuously worked on that post for one and a half years.

5. The applicant has claimed relief as follows:

- (i) A direction to the respondents to regularise applicant's services.
- (ii) A direction to the respondents not to appoint any person pursuant to advertisement dated 27.1.1993.
- (iii) Issue any other direction or order deemed proper.

6. The grounds on which relief has been claimed are:

- (1) The applicant has worked for 1 year and 5 months continuously;
- (2) He has worked for more than 240 days continuously;
- (3) The appointment was not conditional or for a limited period;
- (4) The applicant fulfils all the requisite qualifications for the post;
- (5) The applicant belongs to Jogipur which is within the jurisdiction of Nasirpur Banwari Post Office; though they are not residents of the villages in which they are working as E.D.B.P.M.s;
- (6) The respondents have appointed Surendra Palk Singh, Komal Singh and Narendra Kumar as E.D.B.P.M.s. Though they are not residents of the villages in which they are working as E.D.B.P.M.s;
- (7) The audit memo and inspection memo show that services of the applicant were satisfactory.

7. The services of the applicant of one year and five months rendered as a substitute do not confer upon him a right to be regularised. It is clear from the reply of the respondents that the applicant was appointed on vacancy occurring on Shri Mahipal Singh

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being put off duty without following the due procedure for regular appointment of obtaining names from the local Employment Exchange, by sending a requisition and choosing the best of the candidates sponsored by the Employment Exchange (paragraph 3 of the reply). The appointment of the applicant was clearly a stop gap appointment till the original incumbent came back or regular selection was done. Therefore, the first three grounds advanced by the applicant in the last paragraph do not have any validity.

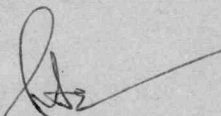
8, The applicant has claimed that he fulfils all the requisite qualifications for the post. However, we find that the regular incumbent of the post of E.D.B.-P.M. is required to be a resident of the village in which the Branch Post Office is located and should be able to offer accommodation for the branch post office. We find that the applicant was a resident of village Jogipura and not of village Nasirpur Banwari in which the Branch Post Office was located. His claim that the E.D.B.P.M. has to be a resident of delivery zone of a Branch Post Office is not correct because the instruction issued by Director General of Posts and Telegraph as produced in Swami's Compilation of Service Rules for Extra Departmental Staff in Postal Deptt Section III (Page 579) (Fourth Edition) clearly stipulate that E.D.B.P.M. and E.D.S.P.M. have to belong to the village in which branch post office is located.

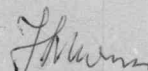
9. The applicant was given an opportunity for being considered for appointment along with Shri - Bhubendra Singh, another candidate sponsored by the

employment exchange. It was found during scrutiny for selection that the applicant did not fulfil essential qualification of residence, and, therefore, Shri Bhupendra Singh was selected and appointed on 22.4.1993 before the ^{interim} order of the Tribunal regarding not notifying the result was received.

10. We, therefore, find no merit in the claim of the applicant and dismiss the application.

11. There shall be no order as to costs.


Member(A)


Member(J)

/M.M./