

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH ALLAHABAD.

Allahabad this the 8th day of May 2000.

Original Application No. 721 of 1993.

Hon'ble Mr. S.K.I. Naqvi, Judicial Member

Hon'ble Mr. S. Biswas, Administrative Member

Name Chandra S/O Sri Bhairodeen age 25 years
R/O village-Post Saurai Bujurg Police Station
Saini District Allahabad.

....Applicant.

C/A Sri N.K. Trivedi

versus

1. Union of India, through Director of Postal Services in circle office at Allahabad.
2. Senior Superintendent Post Office Allahabad Division Allahabad.
3. sub-Divisional Inspector Post Office Bharwari Sub Division Allahabad-212201.
4. Sri Anuroodh Kumar S/O Kedar Nath Tripathi E.D.A.M.C. Kadipur-Manzhanpur R/O village Kadipur Post Office Kadipur District Allahabad E.D.D.A. Cum E.D.M.C. Kadipur Allahabad.
5. Sri Sohan Lal E.D.M.C. Sayara Meethepur,
6. Branch Post Master Saurai, Bujurg Allahabad.

... Respondents.

C/R Shri S.C. Tripathi.

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Hon'ble Mr. S.K.I. Naqvi, Member-J.

Sri Name Chandra has come under section 19 of the Administrative Tribunals Act, 1985 seeking following reliefs.

2. ~~5.12.21A~~ That applicant may be obserbed as a regular E.D.R. in the department of post and telegraph on the post of Extra Departmental Runner at Saurai Bujurg-Via-Dara Nagar Allahabad i.e. on the previous post or may be transferred ^{to} some other place.

3. ~~5.12.21B~~ The applicant may be placed in the waiting list of E.D.R. and may be preferred as experienced person and top priority may be given to him.

4. ~~5.3.21C~~ That applicant may be permitted to appear in the departmental group 'D' examination as he has served more than three years.

5. During the course of arguements the learned counsel for the applicant Sri M.K. Trivedi has simply presssed for relief no.2 according to which the applicant has sought for direction to respondents to place him in the waiting list of E.D.R. and may be prefered as experienced person with priority.

6. As per applicant's case he was engaged as E.D.R. Saurai Buzurg Via Dara Nagar Allahabad in place of Shri Laloo ^{who} Ram ^{was} departmentally promoted and one Sohan Lal was

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appointed to take the charge held by Laloo Ram, and kept by applicant on his behalf, and consequently the applicant was disengaged. The main grievance of the applicant is that one ~~a~~ Anuroodh Kumar who was engaged in the same cadre subsequent to applicant but was retained by the department and the applicant was disengaged for which he has come up before the Tribunal mainly on the ground of Principle of "last come first go".

4. The respondents have contested the case and filed counter reply with the ground that position of the applicant was ~~on leave~~ ^{from 5} that of a substitute during the leave vacancy of Laloo Ram and thereby he could not gain any lien in the department nor any seniority list is maintained for such substitute appointment and therefore, the applicant has no maintainable claim.

5. Heard learned counsel for rival contesting parties and perused the record.

6. It is not in dispute that the applicant worked with respondent for sufficient period of time right from ~~20.06.1990~~ ^{20.07.1982} ~~for~~ ^{for} being to 14.06.1991. Therefore, we find that at least ~~for~~ ^{he is} he deserves a consideration for this experience for being considered to be engaged/appointed against the future ~~he is~~ vacancies, if found otherwise fit as per rules.

*Corrected today
for the more of
applicant's side
correction or application
No 3974 of 2000.*

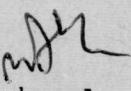
7. For the above we direct the respondents to consider the applicant against the future vacancie to which he is found

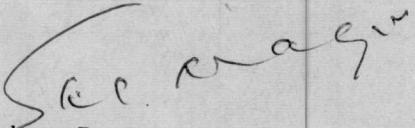
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eligible and a fit candidate. The O.A. is decided with above direction.

8. There shall be no order as to costs.


Member-A


Member-J

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