

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH  
ALLAHABAD

Dated : This the 27th of May 1997

Hon'ble Mr. S. Das Gupta AM  
Coram : Hon'ble Mr. T. L. Verma JM

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ORIGINAL APPLICATION NO. 1660 of 1993

Tej Pratap Bhatia s/o Jwala Prasad,  
r/o Village and post Belwa Bazar,  
Tahsil Deoria, District DEORIA.

----- Petitioner

C/A Sri Rakesh Verma

Versus

1. Union of India through Secretary,  
Ministry of Communication,  
New Delhi.

2. The Senior Supdt. of Post Offices,  
Deoria Division, Deoria.

----- Respondents

C/R Km. Sadhna Srivastava

ORDER (ORAL)

By Hon'ble Mr. S. Das Gupta AM

This application was filed by the applicant seeking direction to the respondents not to interfere with his working as Extra Departmental Branch Post Master (E.D.B.P.M. for short) belwa, Rampur.

2. It appears from the averments that vacancy of EDBPM arose when the earlier incumbent Radhey Shyam Yadav was removed from service. Thereafter the applicant was

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appointed on provisional bases. However, his services were terminated subsequently and the said Radhey Shyam Yadav was reinstated in service.

3. In the counter affidavit, it has been brought out that the applicant's appointment was provisional with the condition that if ever it was decided to take Radhy Shyam Yadav ~~in-service~~ back in service, provisional appointment of the applicant would be terminated without notice. Photocopy of the appointment letter dated 4.12.1991 has been annexed with the C.A. Respondent's case is that the appeal of Radhey Shyam Yadav, who was earlier dismissed from service was considered by the Appellate authority and the same was allowed. He was, therefore, reinstated in service and accordingly the applicant had to make way.

4. The applicant has filed rejoinder affidavit in which it has been stated that the appeal of Radhey Shyam Yadav was decided without giving opportunity of hearing to the applicant.

5. We have learned counsel for the parties and perused the pleadings on record.

6. It is very clear from the letter by which the applicant was appointed that his appointment was wholly provisional and the appointment could be brought to an end in case the previous incumbent of the post was brought back in service. It is not disputed that the earlier incumbent's appeal was allowed and <sup>it</sup> he was directed that he would be reinstated in service. The manner in which the appeal was decided is not subject of controversy before us. It is not for the applicant to question how the appeal was decided. Once the appeal

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was decided in favour of the earlier incumbent, the applicant had to make way for him in terms of appointment letter itself. We find nothing arbitrary in the action taken by the respondents in terminating the services of the applicant.

7. Inview of the foregoing, there is no merit in this application and the same is dismissed accordingly, leaving the parties to bear their own costs.

*H. Levine*  
Member (J)

*W. S.*  
Member (A)

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