

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Original Application No: 1629 of 1994

This ^{28th} The Day Of ^{October, 94}

Mohd. Yunus Khan, S/O Late Shri Nazar Ali Khan

..... Applicant.

By Advocate Shri R.K.Tewari

Versus

Union of India & Ors.

..... Respondents.

By Advocate Shri

Coram:

Hon'ble Mr. T.L.Verma, Member-J

Hon'ble Mr. K.Muthukumar, Member-A

O R D E R

Hon'ble Mr. T.L.Verma, Member-J

Heard Shri R.K.Tewari, learned counsel
for the applicant on admission.

2. The subject matter of-challenge in this
O.A. is order dated 3.9.1993 (Annexure A-1) whereby
Smt. Shyam Dulari Devi has been appointed as Extra
Departmental Branch Post Master (EDBPM) Buxpur.

3. The **facts** of the **case** **are** in short i/ that
the applicant, who was working as EDDA Buxpur, officiated
on the post of EDBPM after the same fell vacant on the
promotion of the erstwhile EDBPM. It is stated that
respondent No. 2 Senior Superintendent Post Offices

Azhamgarh maneuvered the appointment of Smt. Shyam Dulari Devi as EDBPM, Buxpur by first rejecting the list of candidates sponsored by the Employment Exchange on the pretext that the same was received after the appointed date, then, by advertising the same vacancy ~~to~~ thrice on 29.3.1993, 3.6.1993 and 6.7.1993 and initiating the process of appointment only after the application of Smt. S.D.Devi was received. ~~xxx xxxxxxxxxx, xxx xxx xxxxxxxxxx~~

4. The applicant claims that since he was officiating as EDBPM, he should have been promoted to that post by virtue of his having officiated on that post and also by virtue of his being substantive holder of the post of EDDA.

5. No order appointing the applicant to officiate as EDBPM has been annexed. Except the bald statement of the applicant that he had officiated as EDBPM for ^{said} 25 months there is no tangible material to support the claim of the applicant. The learned counsel for the applicant however, drew our attention to an endorsement at the bottom of Annexure A-1 letter appointing Smt. S.D.Devi as EDBPM, Buxpur, to the effect that Mohd. Yunus Khan was asked to handover charge, **to support his contention in that behalf.**

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The entire Annexure has been type written and the endorsement is hand written. This endorsement appears to be doubtful. Assuming, however, for the sake of argument that the same was made by the competent authority, it does not help the applicant in any way. The charge which the applicant is alleged ^{to} have been directed to make **have been a** ^{the} routine charge. In absence of letter over may as well /


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appointing him even as officiating EDBPM the aforesaid **endorsement** /by itself, is neither here nor there, and as such, is of no help to the applicant.

6. The learned counsel appearing for the applicant admitted that he was not one of the applicants for the said post. There is no provision for promotion of an EDDA to the post of EDBPM. The claim of the applicant for appointment by promotion to the said post thus, is not supported by any Rule. He was not an applicant to the said post and as such, he has no right to question the appointment of Smt. S.D.Devi. The learned counsel for the applicant stated that the applicant **has** filed an appeal to the Director of Postal Services, Gorakhpur for appointing **him** on the post of EDBPM in place of Smt. S.D.Devi. The representation, it was stated, has not yet been decided.

7. In view of the discussions made above, we find that the applicant has no cause of action for filing this case and as such the same is dismissed in limine.

We may, however, like to observe that the applicant is entitled to a reply to the representation filed by him. It is expected that the respondents will consider the representation filed by the applicant **if not already disposed of** and pass necessary order there on and inform of the same to the applicant within a reasonable time.


Member-A


Member-J

/jw/