

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

Dated: Allahabad, the 18th day of July, 2001.  
Coram: Hon'ble Mr. Rafiq Uddin, JM  
Hon'ble Maj. Gen. K.K. Srivastava, AM

ORIGINAL APPLICATION NO. 1687 OF 1994

Kamla Prasad Upadhyay,  
aged about 49 years,  
s/o Sri Ram Nath Upadhyay,  
r/o Dariya Patti,  
Post Office Chiraiya Kot,  
District Mau.

By Advocate: Sri S.A. Ansari

. . . . . Applicant

Versus

1. Union of India through Ministry of Post & Telegraph, Government of India, New Delhi.
2. The Senior Superintendent of Post Offices, Azamgarh.
3. The Sub-Divisional Inspector, Mohammadabad Gohna, District Mau.
4. Sri Bhuvaneshwar Yadav,  
aged about 49 years,  
son of (unknown),  
E.D.D. A./Runner, Post Office Chiraiya Kot,  
District Mau.

By Advocate: Km. Sadhna Srivastava

. . . . . Respondents

ORDER (ORAL)

(By Hon'ble Mr. Rafiq Uddin, JM)

The applicant has challenged the validity of the orders dated 16.9.94 and 20.9.94 passed by the Senior Superintendent of Post Offices, Azamgarh

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and the Sub-Divisional Inspector, Mohammadabad Gohna (Respondent Nos.2 & 3 respectively) and ~~rest~~<sup>Ru</sup> respondents may be restrained not to interfere with the working of the applicant as Runner Group 'D' Chiraiya Kot-Sarsena Line.

2. The applicant was appointed as Extra Departmental Delivery Agent, Chiraiya Kot Sub Post Office on 26.12.65. According to the applicant, vide order dated 23.8.91 issued by the Respondent No.3, the applicant and others were asked to submit their applications for their appointments as Runner (Group 'D' Service). A list of candidates in order of seniority was also mentioned in the aforesaid letter and the applicant was placed at Serial No.1. The name of Sri Bhuvneshwar Yadav, Respondent No.4 was, however, not mentioned in this list. The applicant submitted his application for appointment on the aforesaid post, which fell vacant as a result of retirement of Sri Ram Awadh Chaube. It was a permanent vacancy and the applicant was posted on the post of Runner on 31st March, 1994 in the permanent vacancy of the aforesaid post. The applicant claims that he was actually promoted and posted in Group 'D' post on the basis of his seniority. However, the Respondent No.2 vide order dated 16.9.94 approved the name of Respondent No.4 for his appointment on the post, in question. The Respondent No.3 on the basis of the aforesaid approval issued appointment letter to the Respondent No.4 on 29.9.1994 as Runner, Chiraiya Kot-Sarsena Line, terminating the services

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of the applicant. The applicant claimed that his services have been terminated without providing any opportunity of being heard and he being the seniormost E.D.D.A. in Chiraiya Kot Sub-Post Office was rightly promoted to Group 'D' service, vide order dated 30.3.94 and consequently, he is entitled to be retained in service on the post of Runner. The applicant claimed that the impugned orders are illegal and liable to be quashed.

3. We have heard the learned counsel for the Respondents and perused the records.

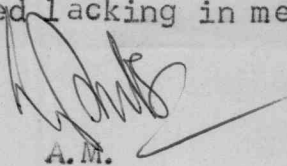
4. The learned counsel for the Respondents has brought to our notice rules governing appointments in Group 'D' posts from E.D.D.As, a copy of which is annexed as Annexure No. CA-2. These rules provide selection for E.D.D.A. to Group 'D' posts on the basis of seniority, subject to satisfactory service. The seniority list will be a combined one for all EDAs posts. The Selection Committee shall consist of the Head of the Division and a Gazetted Officer of the Department of posts or any other Central Government Department at the station. It further provided that Group 'D' vacancies occurring in the calender year should be calculated in January each year and select list will be strictly drawn up in order of seniority and the EDAs put on the select panel should be allotted immediately to the Sub Division Recruiting Unit. In the seniority list, name of the applicant appears at Sl.No.240, whereas the name of the Respondent No.4 at Sl. No.178. The

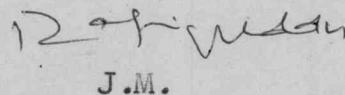
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applicant has not even challenged the placement of Respondent No.4 in the seniority list above him. He has merely stated that the seniority list has been prepared behind his back. In case the applicant has any grievance with regard to his seniority, he should have challenged the seniority list. It is, however, evident from the fact that the appointment/promotion in Group 'D' among the EDDAs is made strictly on the basis of seniority-cum-suitability. The Respondent No.4 being senior to the applicant was validly promoted and appointed in Group 'D' post. We also do not find any force in the claim of the applicant that he was promoted earlier by the order dated 31.3.94, a copy of which is available on record as Annexure No.4 to the OA. This order clearly indicates that the applicant was ordered to work as a Runner till further order. It was made clear that he would not claim regular absorption on the post. The applicant has, therefore, failed to prove that he is entitled for promotion/appointment on the said post and the Original Application is dismissed lacking in merits and no costs.

  
A.M.

  
J.M.

Nath/