

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 485 of 1994

Allahabad this the 29th day of May, 2000

Hon'ble Mr.S.K.I. Naqvi, Member (J)
Hon'ble Mr.M.P. Singh, Member (A)

Haquiq Ullaha, Son of Sri Saukat Ali, resident of village and post office Kurda, District Basti, presently working as E.D. Runner in the post of Kurda, District Basti.

Applicant

By Advocate Shri R.P. Singh

Versus

1. Union of India through the Secretary, Ministry of Communication, New Delhi.
2. Superintendent of Post Offices, Basti.
3. Sub Divisional Inspector, Post Offices, Basti (West) at Harraiya, District Basti.

Respondents

By Advocate Shri S.C. Tripathi

O R D E R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

Shri Haquiq Ullah has worked as substitute to his father as E.D.R. during the period from 02.3.91 to 30.8.93 and on retirement of his father on 31.8.93, his services were ~~terminated~~ removed but he is continuing due to

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Court's stay order. The applicant has sought for relief to quash the order through which his services have been terminated and for direction to the respondents to allow him to work till regularly selected candidate is appointed.

2. The respondents have contested the case on the ground that the applicant worked as substitute only and, therefore, no right or lien accrued to him to continue on the post after retirement of his father to whom he was working as substitute. It has also been mentioned on behalf of the respondents that the applicant has been allowed to continue under the Court's order dated 30.8.1993 in O.A.No;1294/93 as E.D. Runner as a substitute till a regular appointment is made. The respondents have also mentioned that one Daya Ram S/o Mihi Lal, has already been appointed as a regularly selected candidate.

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

4. We find that no right accrues to the applicant to continue on the post in question

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because his position is only that of substitute which provides no lien to the post and it goes by the regular employee to whom he worked as substitute. As per applicant's case, he was substitute to his father who retired on 31.08.93 and, therefore, he cannot be substitute to a retired person, particularly when a regular appointment is said to have been made therefore, we do not find any merit in the O.A. However, the department concerned may favourably consider the applicant for any suitable post in view of his having put in about three years service with the department.

5. The O.A. is dismissed with the above observation. No order as to costs.

anil
Member (A)

/M.M/

Seema
Member (J)