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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 3rd day of August, 2000

Original Application No. 968 of 1994

District : Agra

CORAM :-

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Hon'ble Mr. S. Biswa, A.M.

Ambuj Kumar Saxena S/o Sri Ramesh Chandra Saxena,  
Resident of 13/234, Paktola, Tajganj, Agra.

(Sri O.P. Gupta, Advocate)

..... Applicant

versus

1. Union of India,  
Through the Secretary P&T,  
New Delhi.
2. Superintendent of Post Offices, Agra.
3. Sub Divisional Inspector (East),  
Sub Division, Agra.
4. Sub Post Master, G.G. Industries,  
Agra-4.

(Sri S.C. Tripathi, Advocate)

..... Respondents

O R D E R (O\_r\_a\_l)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

~~Handwritten signature of Justice R.R.K. Trivedi~~

This application has been filed under Section 19 of the Administrative Tribunals Act, 1985, challenging the order dated 18-5-1994 by which his engagement as EDSV (as substitute) has been terminated. In the order dated 18-5-1994, it was also provided that he is allowed to continue till any arrangement is made by the SDI(E), Agra. The order dated 18-5-94 reads as under :-



"In compliance of SDI(E) Agra Memo No. A/GGI/SO dated 15-5-1994, services of Sri A.K. Saxena & Sri Sanjay Agrawal, EDSV's are hereby terminated with immediate effect. However, they are allowed to continue till any arrangement is made by the SDI(E), Agra".

2. Learned counsel for the applicant has submitted that as provided in the letter itself the applicant is ~~itself~~ continuing and no regularly selected candidate has come to join the post. It has been further submitted that in view of the Full Bench Judgement of Ernakulam Bench of the Tribunal (AT(FB) 1991-93 P.23) in case of G.S. Parwati Vs. S.D.I. & Ors, the applicant is entitled for consideration at the time of regular selection and he is also entitled for the benefit of the experience he gained. Sri SC Tripathi, counsel for the respondents on the other hand submitted that regular selection has already been completed in this ~~case~~ and there is no question of the applicant being considered or given any preference on the basis of his working as substitute E.D.S.V.

3. We have carefully considered the submissions of the learned counsel for the parties. It is not disputed that the applicant has been working as substitute to regular incumbent Sri Jagdish Prasad. Thus, he cannot claim any right over the post. The regular candidate has to be ~~selected~~ <sup>I accommodated</sup>. The impugned order does not suffer from any error of law.

4. Learned counsel for the applicant then submitted that the impugned order dated 18-5-1994 has not yet been given effect and he is still working and the respondents may be directed to consider him also at the time of regular selection. The application is, thus, disposed



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finally with the direction that if regular selection is held, the claim of the applicant for appointment shall also be taken into consideration in the light of the Full Bench Judgement mentioned above. There shall be no order as to costs.

*S. C. B.*  
Member (A)

*R. J. F.*  
Vice Chairman

Dube/