

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABD.

Allahabd this the 25th day of August of 2000.

Coram: 1

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

Hon'ble Mr. S. Biswas , Member (A).

Orginal Application No. 440 of 1995.

Gyan Singh, aged about 47 years,
S/o Sri Nawab Singh. R/o Nagla Bhoor
P.O. Malwan, Distt. Etah.

..... Applicant.

Counsel for the applicant;- Sri R.C. Sinha.

V E R S U S

1. Union of India through director General
Department of Post, New Delhi.
2. Superintendent , Post Office, Etah.
3. Sub Divisional Inspector,
Post Offices (East), Etah.
4. Sri Brahama Nand, S/o Sri Devi Singh
Vill. & Post Malwan, Distt. Etah.

..... Respondents.

Counsel for the respondents:- Km. Sadhna Srivastava.



O R D E R (oral)

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

This application under section 19 of Administrative Tribunals Act 1985 has been filed challenging the order dated 31.12.94 by which respondent No.4 has been appointed as E.D.D.A. in the Post Office Malawan, Distt. Etah.

2. The claim of the applicant is based on his work as E.D.D.A for which he was engaged in 1965. On 01 May 1970 applicant was transferred to Sonhar as E.D.R. on his own request. Ultimately applicant had submitted his unconditional resignation on 05.06.71 which was accepted. He ceased from the employment of of the department.

3. It appears that Sri Devi Singh, E.D.D.A. Malawan was put off from duty, as disciplinary proceedings were pending against him, by order dated 21.03.94. As a time gap arrangement applicant was asked to look after the work in Post Office, Malawan as E.D.D.A. Subsequently the respondents requisitioned the names on 18.07.94 from the Employment Exchange and appointed the respondent No. 4 as E.D.D.A by the impugned order dated 31.12.94. On the basis of his work from 21.03.94 to 21.12.94 i.e. nine months the applicant has now claimed relief before this Tribunal.

4. Learned counsel for the applicant has submitted that petitioner was engaged as provisionly and he can be removed from the post ^{after} regular appointment. The appointment of respondent No.4 was also provisional. We have considered this submission of the applicant. However, in the facts and circumstances of the case in our opinion he is

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not entitled for relief. He resigned from the post in 1971 and ceased from the employment of the department. In 1994 ^uapplicant^u ~~a candidate~~ was given work only as a matter of time gap arrangement. The department requisitioned ^uthe^u names from the Employment Exchange ^uand^u on the basis of ^uthe same^u ~~requisition~~ respondent No.4 was selected only as a provisional arrangement. ^uBut^u the ^uname^u were asked from the Employment Exchange. The applicant can not have any objection ^uagainst such arrangement^u ~~for the employment~~ as he has no right to post. The application is devoid of merits and is accordingly rejected.

5. No order as to costs.

S. Bin
Member(A)

R
Vice-Chairman.

/Anand/