

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 662 of 1999

Allahabad this the 04th day of April, 2001

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

Subhash Babu Son of Sri Jagdish Prasad, Resident off Village and P.O. Kuwan Danda, Tehsil Faridpur, Distt. Bareilly.

Applicant

By Advocates Shri R.K. Pandey,
Shri P.K. Shukla,
Shri P. Saxena.

Versus

1. Union of India through Secretary, Ministry of Post and Telegraph, New Delhi.
2. The Senior Superintendent of Post Offices, Civil Lines, Bareilly.
3. Assistant Superintendent of Post Offices [East] Sub-Division, Bareilly.

Respondents

By Advocate Shri S.C. Tripathi.

O_R_D_E_R (Oral)

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

The applicant has come up seeking relief to the effect that the order dated 01/06/99 annexure-1 be quashed and respondents be directed not interfere in his functioning as E.D.D.E. and also to regularise his appointment and make regular payment of his due emoluments.

S.C.T.

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2. As per facts of the case, the applicant was appointed on temporary basis as Extra Departmental Delivery Agent(E.D.D.A.) in Branch Post Office Kuwan Danda, Tehsil Faridpur, District Bareilly, which fell vacant on relinquishment of service by the then its incumbent Shri Kishan Pal. Till the date of impugned order i.e. 01.06.99, the applicant continued to work as such, but vide this order he has been disengaged and Shri Om Pal Sharma has been directed to take over the charge on temporary basis. The applicant has a case that for having worked continuously during the period from 28.11.98 to 31.05.99, he becomes entitled for regularisation of his service and he cannot be replaced by any other incumbent having ^{h.s.t} ~~not~~ better title.

3. The respondents have filed counter-reply. In para-8 of the C.A. , it has been mentioned that on 25/8/99, applicant approached the Office of A.S.P.O., Bareilly and requested that he be relieved on the ground of ill health. There is also mention in the counter that the process for regular appointment is in progress.

4. Heard counsel for the parties and perused the record.

5. It is not in dispute that the applicant is presently working at the post ~~in~~ in question under strength of court's order dated 10.6.99. It is also not in dispute that Shri Om Pal Sharma who has been directed to take over from the applicant as E.D.D.A. was also being appointed on temporary basis and has no better claim than the applicant. It is settled

principle of law that a temporary employee cannot be replaced by another temporary employee who is not having better title, and ^{if he} there is nothing otherwise.

6. The claim of the applicant for regularisation of service cannot be upheld because it is a post which has to be filled up by regular selection and no right accrues to a person working on temporary basis.

7. For the above, I find only relief that can be provided to the applicant is that, unless there is something otherwise, he be not replaced by another temporary incumbent who is not having better title than the applicant. The O.A. is disposed of accordingly. No order as to costs.

S. C. M. M.

Member (J)

/M.M./