

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Dated : This the 30th day of January 2003.

Original Application no. 1205 of 1999.

Hon'ble Mr. Justice RRK Trivedi, Vice-Chairman  
Hon'ble Maj Gen KK Srivastava, Member (A).

Sushil Kumar Yadav,  
S/o Sri R.L. Yadav,  
R/o 66, South Civil Lines,  
Distt. Muzaffarnagar.

... Applicant

By Adv : Sri R.D Khare

Versus

1. Union of India  
through Director General of Posts Offices  
Govt. of India, New Delhi.
2. Senior Superintendant of Post Offices,  
Muzaffarnagar.
3. Sr. Post Master  
Department of Post & Telegram,  
District Muzaffarnagar.
4. The Inspector of Post Offices,  
Department of Post and Telegram,  
District Muzaffarnagar.
5. Brijesh Kumar  
Son of Sri Dharamveer Singh  
Resident of Nai Basti,  
Subhash Nagar (near Shiv Mandir)  
Gandhi Colony,  
Muzaffarnagar.

.....Respondents.

By Adv : Sri R.C. Joshi/ Sri M.B. Singh

O R D E R

Hon'ble Mr. Justice RRK Trivedi, VC.

By this OA, filed under section 19 of the A.T. Act, 1985, the applicant has prayed for direction to the respondents to regularize the services of the applicant w.e.f. 28.2.1998 and to pay him full salary and other allowances as admissible

...2/-

to regular employee.

2. The aforesaid claim of the applicant is based on the fact that the post of EDDA in Head Post Office, Muzaffarnagar fell vacant as Sri Hari Kishan was promoted as Postman. It is stated that the applicant was working since 28.2.1998, when Sri Hari Kishan was promoted. However, he was formally given the charge and his continuance was authenticated by respondent no. 4. <sup>Subsequently</sup> This OA was filed on 1.10.1999. Thus the total period of work done by the applicant on the post was about one year.

3. The respondents have filed counter reply, resisting the claim of the applicant. In para 5 it has been stated that the respondents received total 8 applications in pursuance of the advertisement, out of which 6 candidates belonged to OBC and 2 candidates belonged to SC. <sup>Learned</sup> Their counsel has submitted that in para 5 'ST' has wrongly been typed by mistake for 'OBC'. Alongwith counter affidavit, a comparative chart has been filed, which shows that Sri Brijesh Kumar (respondent no.5) had secured highest marks in High School i.e. 57% marks, whereas the applicant secured only 36.5% marks in High School examination. Respondent no. 5 was found best amongst the eligible candidates and he was selected and appointed and he <sup>assumed</sup> ~~assumed~~ charge on 18.8.1999. Thus from the aforesaid it is clear that the applicant's case has been considered and he was not found suitable <sup>and</sup> far as the relief for regularisation is concerned, it could not be granted under rule <sup>on basis of</sup> ~~for~~ working of one year on the post, on adhoc basis. The OA accordingly has no merit and the same is dismissed.

4. There shall be no order as to costs.

/pc/

Member (A)

Vice-Chairman