

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 21ST DAY OF DECEMBER, 2000

Original Application No.1225 of 1999

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.DAYAL, MEMBER(A)

Ashok Uttam, son of Shri kali
Shanker Uttam, R/o Vill. Dalpatpur,
Post Office Prempur Badagaon, Thana
Narwal block, Sarsole Kanpur Nagar,
Kanpur.

... Applicant

(By Adv: Shri A.V.Srivastava)

Versus

1. Union of India through Chief Post Master General, U.P.Circle, Lucknow.
2. Post Master General Kanpur Division, Kanpur-208001
3. Director postal Services Kanpur
4. Senior Superintendent of Post Offices, Kanpur.
5. Shri mukut Behari Bajapai, the then Senior Superintendent of Post Offices, Kanpur Nagar, presently posted as Supdt.R.M.S. Kanpur.
6. Shri Amar Chand, Son of Shri Babu Lal R/o Viil. & Post Prempur, Kanpur Nagar, Kanpur.

... Respondents

(By Adv: Shri S.C.Tripathi)

O R D E R(Oral)

(By Hon.mr.Justice R.R.K.Trivedi,V.C.)

By this application u/s 19 of A.T.Act 1985 the applicant has challenged the order dated 5.11.1998 by which request of respondent no.6 Sri Amar Chand has been accepted for being reverted as EDBPM from the post of Postman on the regular side.

The facts in short giving rise^{to} are that respondent no.6 who was serving as EDBPM in Prempur Badagaon post office. He was promoted by order dated 24.6.1998 to the post of Postman on regular side. He had undergone the necessary training and thereafter joined as Postman on 21.7.1998. However, on

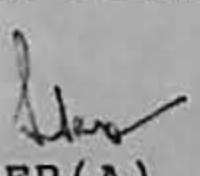
1.9.1998 he made an application for being reverted as EDBPM. The prayer made in the above application has been accepted and he has been reverted to the post of EDBPM, aggrieved by which this application has been filed.

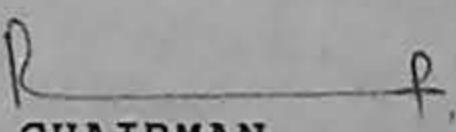
Learned counsel for the applicant has submitted that as respondent no.6 had already joined on promotion post he could not be reverted on the basis of the request dated 1.9.1998 which was a malafide attempt to prevent appointment of any other person on the post of EDBPM which was occupied by him, as he wanted his son to be appointed on the same. It is also submitted that after promotion of respondent no.6 his son was working as substitute for some time. Learned counsel has further submitted that the name of the applicant was forwarded by the Employment Exchange and he had high prospects for ^{being} ~~selected for~~ ^{selected for} ~~regular appointment.~~

We have considered the submission of the learned counsel for the applicant. However, we do not find any substance. The applicant cannot be said to be the aggrieved person so far as order dated 5.11.1998 impugned in the application is concerned. If an employee opted to join a post of lower cadre and the prayer has been accepted by the Authorities applicant cannot raise any objection against the same. The necessary consequence of this development is that vacancy for which the name of the applicant was forwarded by the employment exchange ceased to exist. No right is created in favour of the applicant merely on the ground that his name has been forwarded by the Employment Exchange for consideration.

In the circumstances, we do not find any good ground for interference by this Tribunal in this application. The application is accordingly rejected.

There will be no order as to costs.


MEMBER (A)


VICE CHAIRMAN

Dated: 21.12.2000

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