

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.466 OF 2000

ALLAHABAD THIS THE 16TH DAY OF OCTOBER 2008

HON'BLE MR. JUSTICE A. K. YOG, MEMBER-J

HON'BLE MR. K. S. MENON, MEMBER-A

Mohd. Nasir Ansari, Son of Late Mohd. Kalim Ansari,
R/o Village Makhdumpur, Post office Makhdumpur,
District-Ghazipur.

. Applicant

By Advocate : Shri R. N. Sharma

Versus

1. Union of India through its Secretary,
Ministry of Communication, New Delhi.
2. Superintendent of Post Office,
Ghazipur.
3. Sub-Inspector of Post Office Saidpur Region,
District-Ghazipur.
4. Shri Prabhakar Tripathi Sub- Inspector of Post
Office Saidpur, Region District-Ghazipur.
5. Post Master Post Lediha Dullahpur, District
Ghazipur.
6. Padmendra Kumar Tripathi Post Office Ledhiha
Dullahpur, District-Ghazipur.

. Respondents

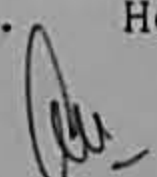
By Advocate : Shri S. N. Chatterji

O R D E R

DELIVERED BY JUSTICE A. K. YOG, MEMBER-J

1. Heard Shri R. N. Sharma, learned counsel for the
applicant and Shri S. N. Chatterji Additional Central
Government Standing Counsel.

2. One Mohd. Kalim Ansari was an employee of
respondent department. He has to face disciplinary



enquiry, which culminated into the order of termination. This order was challenged by filing Departmental Appeal. The said Mohd. Kalim Ansari died on 20.03.1996. The departmental appeal was however, allowed by means of order dated 2.07.1997 (Annexure-2 to the OA). The Appellate Authority directed that since an employee in question had died in harness his legal heir shall be entitled to get benefits as may be available to an employee in Censure but 'dying in harness'. He alleges that he was given compassionate appointment w.e.f. 08.09.1997 but copy of said order has not been filed. According to him, the concerned Sub Inspector of Post Office (District-Ghazipur) passed an order of put off duty and as a consequence of it, he was deprived of from working (Para 4 xii of the OA). Said order of depriving the applicant to continue in service (Put off), as disclosed in para 4.12 of the OA has also not been filed and brought on record. On the other hand applicant has filed photo copy of charge certificate dated 18.04.2000 (Annexure A-1).

3. We are not inclined to interfere and grant relief to the applicant by means of this OA on two grounds. Firstly, the applicant has not filed copy of the order against which he is aggrieved namely the order of putting off as disclosed in para 4 xii. The order has to be annexed before relief can be claimed. Secondly, there is no explanation as to how the applicant continued from 17.12.1998 to 18.04.2000 (date of

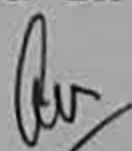


charge certificate annexed to the OA) gap of two years, and in absence of any explanation as to why this court cannot adjudicate the issue. We may reproduce para 27 of the cunter affidavit filed by respondent which reads as under:-

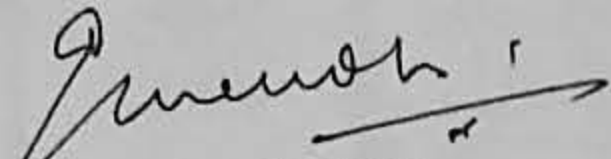
"27. That the contents of paragraph 4(xvi) and 4(xvii) of the petition need no reply. However, it is stated that the applicant was not regularly appointed but was engaged in short term vacancy. It is wrong to say that the Sub-Inspector passed the order of put off duty. It is submitted that the engagement of petitioner as on short term vacancy and on joining the regular employee his engagement automatically came to an end".


Perusal of the aforesaid para shows that the applicant was never given regular appointment under compassionate-appointment rules of the department. It appears he was engaged as substitute out of turn in order to provide him some temporary relief which confer no statutory enforceable right vested in him. adjust him in that of capacity.

3. The learned counsel for the applicant, however, reference to order dated 30.12.1999 (Annexure-4 to the OA) which shows that applicant was allowed to work for sometime. Apparently this order is passed after one year of the initial order of putting off in December 1998 (as contended by the applicant). Argument of the learned counsel has no substance. Even if the submission of learned counsel for the applicant of 'putting off' is accepted, he has not filed copy of alleged order passed in 2000.



3. In view of the above the OA has no merit and the same is accordingly dismissed. No Costs.


(K. S. MENON)
Member-A


(A. K. YOG)
Member-J

/ns/