

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.73 OF 2000
ALLAHABAD THIS THE 12th DAY OF December, 2003

HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A
HON'BLE MR. A. K. BHATNAGAR, MEMBER-J

Surendra Pal,
son of Shri S. Veer, Singh,
aged about years,
resident of village Badhera,
District-Pilibhit.Applicant

(By Advocate Shri V.S. Sinha & Shri P.N. Gangwar)

Versus

1. Union of India,
through Post Master General,
U.P. Circle, Lucknow.
2. Senior Superintendent of Post Offices
Pilibhit.
3. U.P. Mandaliya Dak Nirikshak,
Pilibhit.Respondents

(By Advocate Shri S.C. Tripathi)

O R D E R

HON'BLE MAJ GEN. K.K. SRIVASTAVA, MEMBER-A

In this D.A. filed under section 19 of Administrative
Tribunals Act 1985, the applicant has challenged his dis-engagement
from the post of E.D.D.A. Badhera, District-Pilibhit and has
prayed ^{in that} the direction be issued to the respondents to allow the
applicant to continue till regularly selected candidate is
available to join the post.

2. We have heard counsel for the parties and perused records.

3. The grievance of the applicant is that he was engaged as E.D.D.A. Badhera on 20.07.1999 and he has been dis-engaged in an illegal manner with effect from 01.12.1999. The applicant has advanced the grounds that the action of the respondents is illegal as he ought to have been given notice of one month. Even the applicant was not asked if he was in a position to furnish another security. Therefore, the action of the respondents is arbitrary in nature and they have violated the Principles of Natural Justice.

4. The respondents on the other hand, have argued that the applicant was engaged as a Substitute on the responsibility of one Shri Dhakan Lal, Mail Overseer, Pillibhit and once Shri Dhakan Lal ^hwithd^hraw the surety/security, the respondents had no option but to disengage the applicant. The respondents have committed no error of law in dis-engaging the applicant.

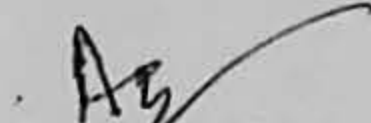
5. Admittedly the applicant was engaged on the responsibility of Shri Dhakan Lal, Mail Overseer as a Substitute, E.D.D.A. A substitute E.D.A. in the Department of Posts can be removed in two conditions. Firstly in the event of regularly selected candidate being available and secondly if the person on whose responsibility the E.D.A. is engaged, withdraws the guarantee. In the present case, we observe that the engagement of the applicant was purely a stop gap arrangement and once the security was withdrawn, the applicant had ^hno right to continue on the post.

6. It is further observed by us that no right accrues to a substitute E.D.A. The respondents have, in their CA, stated that a notification for regular selection was issued on 08.09.1999

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(Annexure CA-2) but the applicant did not apply for the selection. Keeping this fact also in view, we are of the opinion, that the applicant probably wanted to twist the Rules in his favour without facing the selection for regular appointment. We find no good ground for interference. Therefore, the O.A. is dismissed being devoid of any merit.

7. There shall be no order as to costs.


Member-J


Member-A

/Neelam/