

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 20th day of March, 2002.

Original Application No. 302 of 2002

CORAM :-

Hon'ble Mr. Rafiuddin, J.M.

Hon'ble Mr. C.S. Chadha, A.M.

Bindra Prasad Dubey,

Son of Shri Pachdev Dubey,

Resident of Village and Post Bithua,

District Azamgarh.

(Sri Ganga Prasad, Advocate)

..... Applicant

Versus

1. Union of India through its Secretary, Ministry of Communication Department, of Post and Telegraph, New Delhi.
2. Post Master General, Gorakhpur.
3. Senior Superintendent of Post Offices, Azamgarh Division, Azamgarh.

(Sri R.C. Joshi, Advocate)

..... Respondents

O R D E R (U_r_a_1)

By Hon'ble Mr. Rafiuddin, J.M.

The applicant, who is working as E.D.D.A. at Bithua, district Azamgarh, was appointed as E.D.B.P.M., Bithua provisionally because Sri Lalji Dubey was promoted as Postman cadre on temporary basis duly approved by the competent authority w.e.f. 8-1-2000. The grievance of the applicant is that now respondents have issued notification dated 19-2-2002 (Annexure-1 to the OA) inviting applications from eligible candidates for regular appointment on the post in question. The applicant has, therefore, filed this OA seeking quashing of the notification dated 19-2-2002 and direction to the respondents allowing the applicant to

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continue on the post in question continuously without any ~~delay~~ ^R interruption.

2. We have heard counsel for the parties and considered their arguments and gone through the record.

3. Learned counsel for the applicant has referred to the order dated 2-1-1997 passed in OA No.317 of 1995 by the Division Bench of this Tribunal in which a reference has been made to the letter dated 12-9-1988. ^{Even} under Rule 20 of the Method of Recruitment and Service Rules for Extra Departmental Staff, ^{It is} provided that when an ED post falls vacant the same office or in any office in the same place and if one of the existing EDAs prefers to work against the post, he may be allowed to be appointed against that vacant post without coming through the Employment Exchange, provided he is suitable for the other post and fulfills all the required conditions. However, learned counsel for the applicant has not filed a copy of the same letter before us for perusal. We also do not find any reference in the Swamy's Compilation of Service Rules for EDA Staff in the Postal Department, 1995, Edition. In the absence of ^{existence} ~~provision~~ of such letter it is not possible to place any reliance or refer to such instructions contained in any letter of 1988. ^{as claimed by the applicant}

4. It is obvious from the perusal of the impugned notification that the Postal Authorities have issued notification for regular appointment for the post in question after inviting applications from open market. It is also stated that the post is reserved for OBCs category. The applicant is admittedly appointed on temporary basis. Therefore, he cannot claim his appointment on the post in question as a matter of right.

5. However, considering the fact that his appointment on temporary basis was made after approval of the competent

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authority, we dispose of finally the OA with direction to the respondents to ~~retain~~ ^{R. Benwell} the applicant on the post in question till regular appointment is made and also pay him salary regularly. It is also provided that if the applicant is eligible for the post his name may also be considered by the respondents for selection ^{R. Benwell} along with other candidates ^{R. Benwell}

6. with the above observation the OA stands disposed of. There shall be no order as to costs.

Govardhan
Member (A)

Ramreddy
Member (J)

Dube/