

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 24TH DAY OF FEBRUARY 2010)

PRESENT

HON'BLE MR. A.K. GAUR, MEMBER-J

HON'BLE MRS. MANJULIKA GAUTAM, MEMBER- A

**ORIGINAL APPLICATION NO. 498 OF 2002
(Under Section 19, Administrative Tribunal Act, 1985)**

Jagdamba Pandey son of Shri Surya Narayan Pandey,
Resident of Village: Dhamakpur, P.S. Shahgar, District
Azamgarh (U.P.) PIN 276 001.

.....Applicant

By Advocate: Smt. Saraswati Rai
Mrs. Shakuntala Sahai.

Versus.

1. Post Master General Gorakhpur Region, Gorakhpur.
2. Senior Superintendent of Post Offices, District
Azamgarh (U.P).
3. Sub Divisional Inspector, Post Offices, East Azamgarh
(U.P).
4. Shri Ravindra Nath Pathak, E.D.M.P Baddopur, District
Azamgarh (U.P).

.....Respondents

By Advocate: Shri R.K. Srivastava
Shri R. Sharma
Shri B.K. Singh
Shri A. Singh

ORDER

DELIVERED BY A.K. GAUR, MEMBER (JUDICIAL)

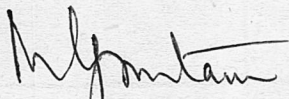
Heard Smt. Saraswati Rai, learned counsel for the
applicant and Shri Dharmendra Tiwari holding brief of Shri
R.K. Srivastava, learned counsel for the respondents.

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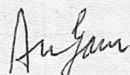
2. It is submitted by the learned counsel for the applicant that applicant has worked as Substitute. Her sole grievance is that substitute may not be replaced by another adhoc.
3. Learned counsel for the applicant further submitted that applicant was engaged as Substitute for the first time on 1.8.1996 and worked upto 31.7.1997 on the risk and responsibility of Shri Surya Narain Pandey. She further submitted that no regular selection has been done by the respondents as yet.
4. On the other hand, respondents have stated in their counter affidavit that the applicant was never appointed on adhoc or temporary basis hence question of replacement of the applicant by another adhoc does not arise. It is also submitted that applicant had worked as a Substitute on the risk and responsibility of Shri Surya Narain Pandey for the following periods:-
- (i) 1.8.1996 to 31.7.1997
 - (ii) 27.6.1998 to 17.7.1998.
 - (iii) 17.12.1997 to 15.1.1998
 - (iv) 1.9.1999 to 15.9.1999.
 - (v) 6.6.2000 to 15.6.2000.
5. It is seen from the record that the applicant was engaged as Substitute on the risk and responsibility of Shri S.N Pandey and was never appointed by the respondents on regular basis.
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6. We have given our thoughtful consideration to the pleas advanced by the learned counsel for the parties, we are firmly of the view that Substitute has no legal valid claim for appointment. It is also noticed that applicant was engaged as Substitute on the risk and responsibility of Shri S.N Pandey.

7. In view of the above, O.A. has no merit and it is accordingly dismissed. However, liberty is given to the applicant to prefer his representation, if so advised. If representation is filed, Respondents are directed to decide the representation of the applicant by a reasoned and speaking order in accordance with the provision of law as early as possible. In the event of regular selection, the case of the applicant will be given preference. No costs.



Member (A)



Member (J)

Manish/-