

CENTRAL ADMINISTRATIVE TRIBUNAL
ALIAHABAD BENCH, ALIAHABAD.

Allahabad, this the 13th day of July, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.
HON. MR. D. R. TIWARI, A.M.

O.A. No. 945 of 2003

Ajeet Singh Son of Sri Ghurahoo Singh & Shiv Murat Singh
R/O Village & Post Seruka District Chandauli.

..... Applicant.

Counsel for applicant : Sri S.P. Singh.

Versus

- 1. Union of India through Secretary, Ministry of Communication, New Delhi, Department of Post.
- 1A. Chief Post Master General, U.P. Circle, Lucknow.
- 2. Post Master General, Allahabad Region, Allahabad.
- 3. Director of Postal Services, Allahabad Region, Allahabad.
- 4. Senior Superintendent of Post Offices, East Division, Varanasi.
- 5. Smt. Kalpana Pandey W/O Late Sri Doodh Nath Pandey R/O Village & Post Naubatpur, District Chandauli.

..... Respondents.

Counsel for respondents : Sri B.N. Singh & Sri S. Singh.

O R D E R (ORAL)

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri S.P. Singh, learned counsel for applicant Sri B.N. Singh, learned counsel for respondent No.5 and Sri V.K. Singh holding brief of Sri S. Singh, Senior Standing Council for Union of India.

2. ~~Challenger~~ ^{to} herein is the validity of appointment letter dated 31.3.2003, issued in favour of the 5th Respondent thereby appointing her as Mail Carrier at Branch Post Office, Naubatpur. The appointment has been made on compassionate ground by making relaxation in the relevant rules. It is not disputed that the husband of the applicant was in the employment and he had died in harness. Thereafter the 5th Respondent staked her claim for compassionate

R.S.P.

appointment. It was on consideration of the application of the 5th Respondent that impugned appointment order was issued in her favour.

3. The ground on which the impugned appointment order is sought to be quashed by the applicant, who had been earlier appointed as substitute, is that was working on the post and, therefore, entitled to be regularised. A Ministry of Communication, Department of Post No.17-115/2001-GDS, Dak Bhawan, Sansad Marg, New Delhi dated Oct. 21, 2002 annexed as Annexure CA-10, would clearly indicate that a substitute has no right to the post nor does he acquire a right for regularisation as held by the Apex Court in the case of Divika Guha Vs. Union of India & Others (2000) 9 SCC 416. However, the guide-lines aforesaid indicate that a substitute in certain conditions may be placed on waiting list for being considered for regular appointment subject to fulfilment of certain conditions contained in the guide-lines aforesaid.

4. In the circumstances, therefore, we find no good ground for interference with the impugned order and the O.A. is liable to be dismissed subject to the observation that the applicant may stake his claim for being considered for regular appointment. In case any application is filed, the competent authority may take appropriate action as per the guide-lines, referred to above.

5. In the result, therefore, the O.A. is dismissed and the interim order is vacated. The respondents are directed to give effect to this order forthwith.

Asthan
A.M.

Q.S.
V.C.

Asthana/-