

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 25th day of March, 2004.

Original Application No. 1075 of 2003

With

Original Application No. 1109 of 2003.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.

Hon'ble Mr. S.K. Hajra, Member- A.

1. Amit Kumar Singh S/o Sri Awadh Narain Singh
R/o Vill. and Post-Katwanth, Distt. Sant Kabir Nagar.
2. Atul Chandra Pandey S/o Sri Aditya Pandey
R/o Vill-Badge, Post-Baur Vyas
Distt. Sant Kabir Nagar.
3. Uday Narain Yadav S/o Sri Jai Ram Yadav
R/o Vill- Sarvarpur, Bharauti, Distt. Mau
Presently posted as GDS/Mr, Belha Kala Branch,
Distt. Sant Kabir Nagar.
4. Jai Prakash Mishra S/o Sri Chandra Bhan Mishra
R/o Vill. and Post- Bisauwa, Distt. Sant Kabir Nagar.
5. Uma Shankar Yadav S/o Sri Shatrughan Yadav
R/o Vill. and Post- Rayath, Distt. Basti.
6. Radhey Shyam S/o Sri Ram Dhani,
R/o Mohalla. Thakur Dwaranear-Mehdawal,
Post- Mehdawal, Distt. Sant Kabir Nagar.
7. Ramesh Chandra Pandey S/o Sri Jwala Prasad Pandey
R/o Vill. Bajaha, Post- Rayath, Distt. Basti.
8. Chandra Kant Mani Tripathi a/a 32 years,
S/o Sri Jokhu Mani Tripathi,
R/o Vill. and Post. Deopur, Deoria Khas,
Distt. Deoria.

.....Applicants in O.A 1075/03

V E R S U S

1. Union of India through the Secretary,
M/o Communications, D/o Posts, New Delhi.
2. The Superintendent of Post Offices, Basti Mandal,
Basti.
3. Assistant Superintendent of Post Offices,
Bansi sub Division, Bansi, Distt. Basti.

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4. Assistant Superintendent of Post Offices,
Sub Division Deoria, Distt. Deoria.

.....Respondents in O.A 1075/03

Ravindra Kumar Tripathi a/a 30 years,
S/o Sri Bhuvneshwar Prasad Tripathi
R/o Vill. Teduhari Soyam, Post- Gandhi Gram Sagrala,
Distt. Sant Kabir Nagar.

.....Applicant in O.A 1109/03

V E R S U S

1. Union of India through the Secretary,
M/o Communications, D/o Posts, New Delhi.
2. The Superintendent of Post Offices,
Basti Mandal, Basti.
3. Sub Divisional Inspector (Postal),
Khalilabad, Distt. Sant Kabir Nagar.

.....Respondents in O.A 1109/03

Counsel for the applicant :- Sri H.P. Mishra

Counsel for the respondents :- Sri R.C. Joshi

O R D E R

By Hon'ble Mr. Justice S.R. Singh, VC.

Both these O.As are directed against the order dated 05.09.2003. In O.A No. 1109/03 however, a consequent order dated 06.09.2003 is also impugned. In the circumstances therefore, it would be convenient to dispose of these O.As by means of a common order.

2. The applicants herein have been working as substitute GDS (MD/MC). It appears that a policy decision was taken not to fill-up the vacant posts of GDS by appointing any substitute. The orders in this regard were issued by the Directorate vide letter dated 14.08.2003 and the impugned letter dated 05.09.2003 has accordingly been issued not to appoint any substitute in the vacant posts of GDS. It is also provided in the order dated 05.09.2003 that in case

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any expenditure is incurred towards any substitute, the concerned Up Mandaliya Nirikshak/ Sahayak Adhikshak and other unit incharge would be personally responsible. Decision to dis-continue the prevailing system of appointing substitute GDS is a policy decision and scope of judicial interference against the policy decision is very limited. The impugned policy decision is not shown to be violative of any statutory provisions nor can it be said to be suffering from vice of malafide and arbitrariness. The applicants have acquired ^{no} right to hold the post. In the circumstances, no interference in the matter is called for. It is however, provided that this order is without prejudice to the right of the applicants to seek alternate appointment or regularisation under any scheme or rules. In case, the applicants file any representation in this connection, the same shall be considered and disposed of in accordance with law as early as possible preferably within a period of two months from the date of receipt of the representation. It is further made clear that pending decision of the representation, the applicants may be allowed to continue if they have not been dis-engaged by now.

3. Accordingly the O.A is disposed of with no order as to costs.

Suresh Kumar Hajre
Member- A.

Raj
Vice-Chairman.

/Anand/