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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL : ALLAHABAD
(CIRCUIT SITTING AT NAINITAL)

Dated: This the 17th day of APRIL 2007

Original Application No. 860 of 2006 (U)

Hon'ble Mr. P.K. Chatterji, Member (A)

Jaipal Singh Negi, S/o late Jai Singh Negi
Village Charika, P.O. Sylinga (Kandakhal),
Patti : Aymeer Walla, Pauri Garhwal,
UTTRANCHAL.

.....Applicant

By Adv: Sri A. Chatterji, Sri R.P. Sharma, Sri
Sushil Vasishit and Sri Virendra

V E R S U S

1. Union of India through Director General Of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. The Chief Post Master General, Govt. of India, Dehradun: Uttranchal
3. The Superintendent of Posts, P.O. Pauri, Uttranchal.
4. Sub-Divisional Inspector of Post Offices, Govt. of India, Kotdwara, Pauri Garhwal: Uttranchal.

.....Respondents

By Adv: Sri S. Singh

O R D E R

The applicant was engaged as Gramin Dak Sewak Delivery Agent (GDSDA) at Syalinga Kandakhal on 15.04.1991. After the death of regular incumbent for the post of Branch Post Master (BPM) of the Post Office (PO), the applicant was assigned the job of Post Master on 03.04.2001. Thereafter, one Sri Sunil Kumar, Son of late BPM was offered the job of BPM on compassionate grounds after the death of his father. The applicant was then directed to be

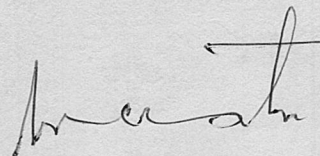
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relieved from the post of Post Master and take the charge of GDSDA for which he was initially appointed.

2. The applicant is of the view that his work as BPM was discontinued wrongly as he conducted the work satisfactorily and moreover the deceased Post Master Sri Jitar Singh had entered a wrong date of birth in his service data to seek appointment and, therefore, his appointment itself was irregular. Giving compassionate appointment to his son after his death tantamounted to committing a second irregularity. The applicant is aggrieved that due to such irregularity being committed by the respondents he was deprived of his legitimate right to continue to work as BPM. Therefore, he has requested the Tribunal to quash the appointment of Sri Sunil Kumar and also to allow him to continue to work as Post Master.

3. On perusal of the OA it is seen that the OA is highly time barred because events pertain to the year 2001. However, the applicant has also brought to my notice that he filed an application before the Principal Bench of the Tribunal, upon which the Tribunal had directed him to file his OA before the Circuit Bench at Nainital when ever it convened next. The order of the Principal Bench is dated 21.07.2006. In view of this direction issued by the



Principal Bench the limitation factor may be condoned and the OA otherwise could be considered.

4. However, perusal of the OA would show that the applicant is claiming the right which actually does not belong to him. He was initially appointed on a substantive post against the vacancy of GSDSA, therefore he holds the right to the post of GSDSA. Only because a temporary vacancy arose in the post of BPM consequent upon the death of Post Master, the applicant was temporarily appointed to manage the work of the office until such time as the regular incumbent is appointed. The provisional arrangement was terminated as soon as the regular incumbent was selected by the process of compassionate appointment.

5. Although the applicant has disputed the appointment of Sri Sunil Kumar on compassionate ground he could not cite any specific rule which authorises him to seek reversal of an executive decision which does not directly impinge upon his right/interest. How he as a third party upon whose right/interest the compassionate appointment of Sri Sunil Kumar has no bearing, can claim this relief, could not be satisfactorily explained by the applicant through his OA. Therefore, I do not find any ground for admitting the same.

Meeath