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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 13th day of MAY 2008.

Original Application No. 48 of 2007.

Hon'ble Mr. N.D. Dayal, Member-A

Hon'ble Mr. Ashok S. Karamadi, Member-J

Bhrigu Dutt Mani, S/o Shri G.D. Mani, R/o Village Saini (Subhash Nagar) P.O. Saini, Tehsil Sirathu, District Kaushambi. Present Posted as Branch Post Masster, P.O. Saini, Distt: Kaushambi.

.... Applicant

By Adv: Sri S.N. Mishra and Sri R.K. Singh

V E R S U S

1. Union of India its Secretary, M/O of Communication (Post and Telegraph), Dak Bhawan Sansad Marg, New Delhi.
2. Superintendent Of Post Offices, Head Post Office, Allahabad.
3. Sub Divisional Inspector, Post Office Bharwari, Sub Division Bharwari, Distt: Allahabad .

.... Respondents

By Adv: Sri S. Singh

O R D E R

By N.D. Dayal, Member - A

None appears for the applicant even on 2nd call.

Sri S. Singh learned counsel for the respondents. The matter is therefore, been taken up under Rule 15 of CAT (Procedure) Rules 1987. We have heard learned counsel for the respondents and gone through the pleadings.

2. The applicant was appointed in the year 1990 as EDMC. He worked upto 27.12.2005 as such. When Branch

Post Master, Saini, Kaushambi regtired on 31.12.2005 he was posted in his place. Services of the applicant were extended from time to time. In July 2006 the applicant requested that he be appointed against that post of Branch Post Master, Saini. The applicant is aggrieved that no action has been taken on his request. Therefore, it has been prayed that the respondents be directed to permit the applicant on the post of Branch Post Master, Saini and to decide his representation dated 28.06.2006 and 16.09.2006 in accordance with law.

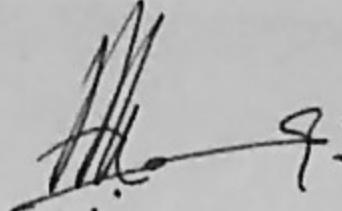
3. Learned counsel for the respondents has drawn our attention to the CA particularly paragraph 3 (b) and 4 (page 8 and 9) wherein it has been stated that the applicant is still working on that post in officiating capacity and no cause of grievance is arisen because he has not been ordered to be disengaged. Infact it is proposed to engage him till regular appointment is made as appointment process is not initiated as yet. There is no question for disengaging him at present from that post. It is further stated that representation of the applicant dated 28.06.2006 does not appear to have been received.

4. We are of the view that since the applicant continues to work on the said post and there is no immediately likelihood of his being disengaged, it would be open to the applicant to apply for the post

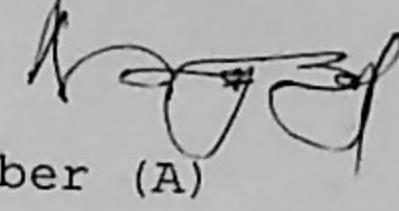
(7)

as and when same is advertised for being filled up and he would be at liberty to seek redressal if he is aggrieved in future with regard to his engagement on the post.

5. In view of the reasons indicated above the OA does not succeed and, therefore, dismissed. No costs.


/pc/

Member (J)


Member (A)