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CENTRAL ADMINISTRATIVE TRIBUNAL,

ALLAHABAD BENCH, ALLAHABAD.

THURSDAY, THIS THE 5TH DAY OF APRIL, 2007.

ORIGINAL APPLICATION NO. 350 OF 2007

QUORUM : HON. MR. P.K. CHATTERJI, A.M.

Raghvendra Tripathi, aged about 32 years, Son of, Shri Anirudh Prasad Tripathi, Resident of, Village Donoro, PO Basiakhora, District Gorakhpur.

.....Applicant.

Counsel for applicant : Shri R. Trivedi.

Versus

1. Union of India through Secretary, Ministry of Communication, Department of Post, Dak Bhawan, Sansad Marg, New Delhi.
2. Post Master General, Gorakhpur Division, Gorakhpur.
3. Senior Superintendent of Post Offices, Gorakhpur Division, Gorakhpur.
4. Inspector Posts, Uruwa Sub-Division, Uruwa Bazar, Gorakhpur.

.....Respondents.

Counsel for Respondents :

ORDER

The applicant was appointed as G.D.S., MD/MC at Mahui Buzurg after initially working provisionally as E.D.D.R. from 10.1.2000. On 14.2.2007, Indrajeet Singh, GDS, BPM, Basiakhora, Gorakhpur was put off duty by the Respondent No.3 due to some irregularity. The Respondent No.4, vide his letter dated 15.2.2007,

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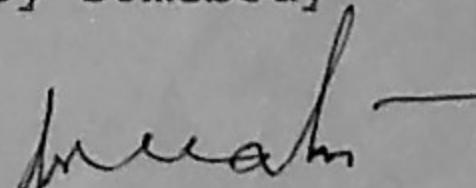
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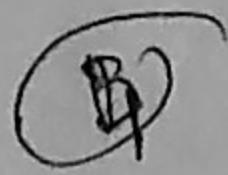
directed the applicant to take over the charge of GDS, BPM, Basiakhora, which was adjacent to the village of the applicant. In compliance of the order, the applicant joined the post of GDS, BPM on 17.2.2007.

2. However, on 30.3.2007 Inspector of Post Offices, Respondent No.4, issued an order to the effect that the applicant would make over the charge of the Branch Post Office, Basiakhora to the Line Oversear Shri Ram Samujh and will revert to his original post of GDS, MD/MC, Mahui Buzurg.

3. The applicant has been aggrieved by this order for which this O.A. has been filed. His grievance is that his posting was terminated within one month after engagement and the Respondents have terminated his work as a substitute on the post of the B.P.M. by another substitute. He is also aggrieved that his representation has not been decided. He is also aggrieved that before terminating the services in such illegal and irregular manner, he was not given any show cause notice.

4. I have gone through the O.A. and the connected documents. It may be seen from the relevant records that the applicant was not engaged as a substitute on the post of B.P.M., Mahui Buzurg. As the department considered it necessary to put Shri Indrajeet Singh put-off duty for certain irregularity, ^{which} became necessary to manage the work of Post Office by somebody

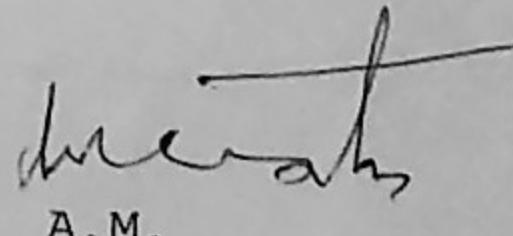




else. As the applicant was available, as stopgap arrangement, he was directed to undertake the said work. It does not confer any right to the applicant to the post of GDS, BPM. He was substantively appointed as GDS MD/MC, Mahui Buzurg. It is also not accepted that the Respondents are terminating one substitute by another. Neither he was a substitute in the post of GDS, BPM nor was the Mail Oversear substitute. The Mail Oversear is a departmental official, who supervise the mail movement and other works in the area. Therefore, this is not a case of one substitute replacing another. Obviously, no right of the applicant has been violated in this case. His engagement as the GDS, BPM was only ad-hoc and for a very short period before the Respondents were able to find out a suitable official, who would be more competent to manage the work than that of applicant.

5. In this O.A., there is no scope for admitting the case, as the applicant has not been able to substantiate what right of his has been violated. The O.A. is, therefore, dismissed as not maintainable at admission stage itself.

No order as to costs.


A.M.

Asthana/