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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH : CUTTACK.

Original Application No.127 of 1989.

Date of decision : April 26, 1989.

Mrs. Jawida Yasmin, wife of B.M.Faruque,  
working as Lady Medical Officer, Posts &  
Telegraphs Dispensary, Cuttack At & P.O.  
Cuttack, Dist-Cuttack, Cuttack-753005.

...

Applicant.

Versus

1. Union of India, represented by its  
Secretary, in the Department of Posts,  
Dak Bhavan, New Delhi.
2. Post Master General, Orissa Circle,  
At/P.O.Bhubaneswar, Dist-Puri.
3. Senior Superintendent of Post Offices,  
Cuttack City Division, Cuttack.

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Respondents.

For the applicant ... M/s.Devanand Misra,  
Deepak Misra,  
R.N.Naik, Advocates.

For the respondents ... Mr.Tahali Dalai,  
Addl. Standing Counsel(Central)

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C O R A M:

THE HON'BLE MR.B.R.PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR.K.P.ACHARYA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed  
to see the judgment ? Yes.
2. To be referred to the Reporters or not ?
3. Whether Their Lordships wish to see the fair copy  
of the judgment ? Yes.

JUDGMENT

K.P.ACHARYA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to command the respondents to regularise the services of the applicant.

2. Shortly stated, the case of the applicant is that the applicant was appointed provisionally as the Lady Medical Officer, Posts & Telegraphs Dispensary, Cuttack and she resumed <sup>duty</sup> ~~charge~~ on 27.11.1987. After taking over charge the applicant continued till 31.3.1989 when an order was passed informing the applicant that her services have been dispensed with. Being aggrieved by this order, the applicant has come up with this application and with the prayer mentioned above.

3. In their counter, the respondents maintained that the appointment of the applicant being purely temporary and provisional, the authorities have no obligation to regularise her services. Hence, the case being devoid of merit is liable to be dismissed.

4. We have heard Mr. Deepak Misra, learned counsel for the applicant and Mr. Tahali Dalai, learned Additional Standing Counsel (Central) at some length. We are convinced that the appointment of the applicant was provisional and this fact was not rightly and fairly disputed at the Bar. The appointment of the applicant being provisional, she does not have a right to claim any relief. Furthermore, we were told that one of the regular appointees has joined the post and consequently, the applicant was asked to vacate and the stay order passed by this Bench has become infructuous. Such being

the situation we are unable to give any relief to the applicant and as such the case is devoid of any merit. Hence, this case stands dismissed leaving the parties to bear their own costs.

5. Before we part with this case, we may say that it was told to us that a vacancy exists at Bhubaneswar. If so, the case of the applicant be considered for her appointment pending regular appointment.

*..... 26.4.89*  
Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,

*I agree.*

*..... 26.4.89*  
Vice-Chairman

Central Administrative Tribunal,  
Cuttack Bench, Cuttack.  
April 26, 1989/Sarangi.

