

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

1-2-2002.

Sh. A.K. Bose Ld. Sr. Standing Counsel has already filed Memo of Appearance for all the Respondents on 9-1-2002 but today no steps taken by him to file counter. Therefore put up before the Bench for further Orders.

1/2/2002
REGISTRAR

Counter not filed.

Bench
11/2/02

Counter filed. Copy served. For further orders.

Bench
20/3/02

Rejoinder not filed.

Bench
15/4/02

08. 28.06.02.

Division bench matter, put up before next available division bench.

28/6/2002
Member (J)

09. 12.4.04.

Call this matter on 19.4.04.

B.
V.R. - Chairman
Bench
Member (A)

Order dated 19.4.2004

None appeared on behalf of the applicant nor the applicant appeared in person when called. This being a year-old case of 2001, it is not possible to adjourn the matter any further, especially in the absence of any request for adjournment. In view of this, we have perused the materials with the aid and assistance of Shri A.K. Bose, learned Senior Standing Counsel and also heard him on merit.

By filing this Original Application the applicant, who worked as substitute in place of regular incumbent, (who resigned from service with effect from 10.4.2001) seeks direction to be issued to Respondents to appoint him to the post of Gramin Dak Sevak B.P.M., Makhanpur Branch Post Office, by

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Rejoinder not filed.

Bench

MY
13/5/02

1) For admission and hearing.

2) Rejoinder not filed.

Bench

MY
22/6/02

For admission and hearing.

MY
17/4/04

Bench

For admission and hearing.

Bench

MY
16/4/04

Copy of order dt. 19.4.04
issued to the counsel
but both side

WSPM
S.C.

MY

quashing the notification dated 1.11.2001 under Annexure-11. The Respondents-Department have filed their counter opposing the prayer of the applicant.

From the facts of the case it is clear that the applicant, who worked as substitute and was inducted by the regular incumbent of this post, who happened to be his elder brother without obtaining prior permission of the competent authority. Having worked as substitute for about 10 to 11 months he has claimed his right to be considered for appointment to the post in question on regular basis. Mere working as substitute does not confer on a person any right to the post. It is the settled position of law that a substitute does not have any claim for being appointed to any post of GDS category without coming through the process of selection laid down in this regard nor while considering his case in the process of selection due regard/weightage is to be given to the past experience gained by him as substitute.

For the reasons discussed above, we see no merit in this O.A., which is accordingly dismissed. No costs.

VICE-CHAIRMAN

MEMBER (JUDICIAL)