

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

1-2-2002.

Sh. A.K. Bose Ld. Sr. Standy  
 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  
 M

Counter filed. Copy  
 served. for further  
 orders.

Bench

20/3/02  
 M

Rejoinder not filed.

Bench

13/4/02  
 M

08. 28.06.02.

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

28/6/2002  
 Member (S)

09. 08. 12. 4. 04.

Call this matter on  
 19.4.04.

B.  
 Mr. - chairman  
 T. S. S.  
 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.

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.

*Abu* 19/4  
VICE-CHAIRMAN

*So*  
MEMBER (JUDICIAL)

For admission and hearing.

Bench

My 16/4/04

Copy of order off. 19.4.04  
assued to the counsel  
for both side

*W.D.M.*  
S.D.

My  
Plan