

In The Central Administrative Tribunal
Calcutta Bench

OA 248 of 1997

Present : Hon'ble Mr. D. Purkayastha, Judicial Member
Hon'ble Mr. S. Biswas, Administrative Member

Nikhil Kr. Rabidas

-VS-

D/o Post

For the Applicant : Mr. H-AL-Rashid, Counsel

For the Respondents: Mr. S.P. Kar, Counsel

Heard on : 03-10-2001

Date of Order : 03-10-2001

O R D E R

D. PURKAYASTHA, JM

The case of the applicant, in short, is that his father retired from Postal Service as E.D.M.C. w.e.f. 28-2-1997. Now the applicant claims that he worked in the Department about 17 years back when he was minor as ^a substitute as appointed by his father. Now his father retired and on the basis of ^{last Tenage} ~~last~~ experience he is claiming for consideration for appointment as E.D.M.C. in place of his father as a mercy.

2. Ld. Counsel Mr. Kar on behalf of the respondents raise objection stating that no prima-facie case could be made out by the applicant for claiming such benefit of appointment in this case. Respondents filed reply to the O.A. denying the claim of the applicant.

3. We have considered submissions of Ld. Counsel of both the parties. Ld. Counsel for the applicant fairly submits that applicant

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prayed mercy of the Court in respect of granting benefit of appointment on the basis of the past-work and experience of about 17 years^{back}. We are of the view that the Court cannot pass any order being benevolent unless a person acquires legal right under the Statute and Rules. We find that applicant has not acquired any enforceable right or legal right for getting appointment in this case. However, he, being a citizen of India, has right to get employment in any Department according to his qualification and eligibility prescribed by the respective Rules. So, his case may be considered by the Department under Rules if he is found eligible and if any vacancy arises in future and advertisement is made. If applicant has applied for such benefit to the Department, the Department may consider his case according to rules. Application is thus disposed of.

S. Biswas

(S. Biswas)
Member(A)

H. K.

(D. Purkayastha)
Member(J)

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