

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.187/2001

Monday, this the 19th day of February, 2001.

CORAM:

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

Leela.S.  
Moozhiyil House,  
Kummalloor.P.O.  
Adichanalloor,  
Kollam(Dist),  
Substitute EDBPM,  
Kummalloor.P.O. - Applicant

By Advocate Mr PC Haridas

Vs

1. Union of India represented by  
Secretary,  
Department of Posts,  
New Delhi.
2. Post Master General,  
Office of PMG,  
Thiruvananthapuram.
3. Senior Superintendent of Post Offices,  
O/o the Senior Superintendent of Post Offices,  
Kollam.
4. Divisional Superintendent,  
Department of Posts,  
Kollam. - Respondents

By Advocate Mr Sunil Jose, ACGSC

The application having been heard on 19.2.2001, the Tribunal  
on the same day delivered the following:

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

The applicant who claims to have rendered service as a  
substitute of Extra Departmental Branch Post Master(EDBPM for  
short), Kummalloor Post Office from 1971 onwards, has filed

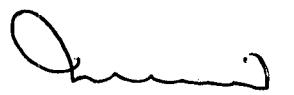
this application for a direction to the respondents to appoint the applicant in the post of EDBPM, Kummalloor in the next arising vacancy due to the retirement of the permanent incumbent, or in the alternative, for a direction to the 4th respondent to consider A-6 representation and pass appropriate orders thereon within a time limit prescribed by the Tribunal and also for a direction to the respondents not to make any appointment to the post of EDBPM, Kummalloor till the disposal of A-6.

2. We have heard the learned counsel on either side. We do not find any rule or instruction on the basis of which the applicant's can claim the reliefs as sought for in this O.A. If the applicant is eligible for appointment as EDBPM, he is free to make an application either in response to a public advertisement or being sponsored by the Employment Exchange. If such an application is made, we have no reason to believe that his case would not be considered in accordance with law. Otherwise, the applicant does not have any legal right to seek a direction that he should be regularised as EDBPM, Kummalloor. A substitute of an ED Agent has no independent right and the Government orders and instructions regulating the recruitment to ED posts do not provide for regularisation of a substitute on an ED post or to give any preference to a person who has been a substitute.

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3. In the light of the above observation, we find no reason even to admit the O.A. Accordingly, the O.A. is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated, the 19th of February, 2001.



T.N.T. NAYAR  
ADMINISTRATIVE MEMBER



A.V. HARIDASAN  
VICE CHAIRMAN

trs

LIST OF ANNEXURES REFERRED TO IN THE ORDER:

A-6: True copy of the representation submitted by the applicant before respondents.