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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
CIRCUIT BENCH : LUCKNOW.

Registration O.A.No. 477 of 1987

A.K.Srivastava	Applicant
	Vs.	
Union of India & Others	Respondents

Hon'ble Mr.Justice U.C.Srivastava, V.C.

Hon'ble Mr. A.BU Gorthi, Member (A)

(By Hon.Mr.Justice U.C.Srivastava, V.C.)

In pursuance of the application invited by the Employment Exchange for appointment to the post of Extra Departmental Branch Post Master, the applicant offered himself for the same. The applicant's name was also sponsored by the Employment Exchange and he also fulfilled all the requisite qualifications including education and financial status and as well as having a house. The applicant was selected and was appointed as Extra Departmental Branch Post Master in the said Post Office Korari Kalan vide order dated 30.1.81. Some 5 years thereafter it transpired that one Hari Nath Singh who was earlier the Branch Post Master was facing a criminal trial and was acquitted and consequently an order was passed on 20.2.86 putting him ~~on~~ back of duty, but the order was cancelled on 25.4.86 and the said Hari Nath Singh never joined the said post which led support to the un-controverted allegations of the applicant that he was an employee of the Irrigation Department, and working there and as such he could not have been appointed or he could not have joined the post of Extra Departmental Branch Post Master.

2. The applicant's grievance is that it was against the clear vacancy on which he was appointed, but the appointment of the applicant obviously was not a regular appointment. Later on it was found that there was no

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vacancy, that is why the order of Hari Nath Singh for putting him back on duty was passed. But that order remained a waste paper in as much as the said Hari Nath Singh never joined the duty as he was not in a position to join the duty. Moreover according to the applicant he was not also fulfilling the requisite qualification. As the said Hari Nath Singh for whom it was said that the vacancy which was created against the vacancy which never existed. Then again came into existence ~~as his failure to join.~~ & consequent to the applicant's appointment in the circumstances ~~whatsoever~~ ^{has 2} ~~to be~~ ^{continue &} deemed to be regular and there ~~is~~ no occasion for the department to make any appointment on the said post. As Hari Nath Singh's appointment has been cancelled and the applicant was appointed on the said post. The provisional appointment will not be deemed to be the final appointment. With these observations the application stands disposed of finally. No order as to costs.

Janabgi
MEMBER (A)

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VICE-CHAIRMAN.

10th December, 1991, Lucknow.

(sph)