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CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

Original Application No. 184 of 1992

Gyan Bahadur Singh Applicants.

Versus

Union of India & ors. Respondents.

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

Hon'ble Mr. K.Obayya, Member-A

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

One Girdhari Lal, who was working as Contingent Postal Chawkidar (C.P.C) at Shahganj Sub Post office was a casual labour and on completion of 65 years of age and having been found unfit to continue further, he was terminated on 10.6.1988. Thereafter justification of C.P. Chawkidar at the Post office had to be reviewed. The matter was being processed and it was likely to take time, hence after termination of services of Shri Girdhari Lal several casual labourers were engaged on daily wages in different spells. Ultimately the vacancy was notified to Employment Exchange to sponsor 3 names. Out of the list, Shri Gyan Bahadur Singh was engaged on purely temporary and adhoc basis. Subject to instructions from the higher authorities and it was made clear to him that the appointment was purely temporary, adhoc and likely to be terminated at any time without assigning any reason. Subsequently as a result of successive reviews it was decided that there was no justification of the post and the post was ordered to be abolished by the Competent Authority and in accordance with terms of appointment the services of Shri Gyan Bahadur Singh were

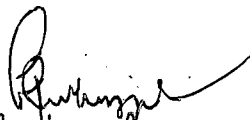
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terminated on 16.1.1990. The applicant has challenged the said termination order on the ground that the action of the respondents is discriminatory. The applicant approached higher authorities who informed the petitioner that the services of the petitioner were terminated on account of abolition of the post of Chawkidar. The applicant moved a representation to the opposite parties on 16.7.1990 stating therein that the services of the applicant may be reinstated. The services of the other employees were also terminated and some of them were reinstated but the applicant was not reinstated. Some employees approached before this Hon'ble Tribunal and this Hon'ble Tribunal was pleased to allow the application and directed the respondents that the applicant in that case be also appointed or absorbed as other persons have been reinstated.

2. The learned counsel for the applicant contended that in similar circumstances this Tribunal has allowed O.A. No. 40 of 1989, Persuram Yadav Vs. U.O.I. & others and the case of the present applicant is also on par with that of Persuram Yadav. In the case of Persuram Yadav, the plea which was taken was that his performance was not satisfactory. The reference was made in another Munishwar Yadav Vs. U.O.I. & others and other connected cases O.A. 316/1988 decided on 28.1.1992. The facts of this case (184/1992) appears to be some what identical. In the said case, we have issued a direction that whenever any post in the district available or appointments

are made, the cases of the applicants will consider for appointment against the said post. It is only after their refusal, anybody else can be appointed.

3. The post of C.P.Chawkidar appears to be, but, essential for a post office. obviously, no post office in such areas can function without there being a Chawkidar. ^{the post of} The Chawkidar in one form or the other is to be revived or maintained and that's why the direction given in the earlier cases, that whenever the post is created, revived or comes into existence, the applicant who had worked in the said post will be given appointment. This will not be confined to the post in question, but, also to the other post offices in the district where offer can be given to the applicant on priority basis. With the above observations, the application is disposed of with no order as to cost.


Member-A


V.C.

Lucknow Dated: 2.2.1993

(jw)