

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

O.A. 285/92

Thursday this the 10th day of February, 2000

CORAM

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

HON'BLE MR. J.L. NEGI, ADMINISTRATIVE MEMBER

Renidra Nath Tripathi
R/o Village and Post
Labanapur Distt. Basti. ... Applicant

(By Advocate Mr. Neeraj Chaurasia)

vs.

1. The Union of India through the Secretary, Ministry of Telecommunications, New Delhi.
2. The UP Maha Prabandhak Administration Door Sanchar UP Lucknow.
3. The Telecom Divl. Engineer Door Sanchar, Gonda.
4. The Sub Divisional Officer Telecommunication Sub Division, Basti.
5. Shri Vinay Kumar sing Staff Car Driver O/o the Telecom Divn. Engineer Varanasi Mandal, Varanasi.

(By Advocate: None for respondents)

The application having been heard on 10.2.2000, the Tribunal on the same day delivered the following:

ORDER

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

The applicant is a casual labourer with temporary status w.e.f. 1.10.89. He claims that ever since the date of his first engagement in the year 1983 he was working as a casual driver and that when the post of Driver was regularly filled up, though the applicant and the 5th respondent who was working at Varanasi were considered, the respondents have unjustifiably left out the applicant and selected the 5th respondent with the result the applicant

contd. . .

has been denied opportunity to perform the duties of Driver with effect from 8.2.92. The applicant, therefore, ^{oral} prays that the order passed by the respondent No. 4 on 8.2.92 may be declared as illegal and without jurisdiction, the respondents be directed to allow the applicant to continue as a Driver as also to set aside the order by which the 5th respondent has been appointed as Driver declaring it null and void.

2. The respondents in their reply statement have contended that the applicant is only a casual labourer with temporary status though his services were utilised as a Driver as and when necessity was there as he had a valid driving licence, that though the applicant was also considered for selection and appointment as Driver on a regular basis by the selection committee, it did not select the applicant and the 5th respondent has been validly selected and appointed. The claim of the applicant that there has been an oral reversion made on 8.2.92 is misconceived because he was not holding any post for him to be reverted, contend the respondents.

3. We have heard the learned counsel of the applicant. As none appeared for the respondents, we did not have the privilege of hearing the learned counsel for the respondents. However, we do not find any legitimate cause of action for the applicant. The applicant was only a casual labourer with temporary status though his services were utilised as a Driver because he was having a driving licence and as and when necessity was there in the department. The applicant as also the 5th respondent were considered as outsider candidates and the selecting authority has selected the 5th respondent.

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4. As there is no allegation made against the selecting authority, we do not find any reason to believe that the selection was not held properly. Hence we refuse to interfere in the matter. The application fails and the same is dismissed without any order as to costs.

Dated the 10th day of February, 2000

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J.L. NEGI
ADMINISTRATIVE MEMBER

A.V. Haridasan

A.V. HARIDASAN
VICE CHAIRMAN

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