

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 280/2006

This the ^{12th} day of January , 2009

Hon'ble Mr. M. Kanthaiah, Member (J)
Hon'ble Dr. A. K. Mishra, Member (A)

Dileep Kumar Saroj, aged about 21 years, Son of Ram Kishore Saroj, resident of Village Upadhyaypur, Post Office^r Kishunganj, (Antu), District-Pratapgarh.

Applicant.

By Advocate: None.

Versus

1. Union of India , through Secretary, Postal & Telegraph, New Delhi.
2. Chief Post Master General, U.P. Lucknow.
3. Director of Postal Services, Allahabad.
4. The Senior Superintendent of Post Office^s, Pratapgarh.

Respondents.

By Advocate: ~~Sri~~ S. K. Awasthi.

Order

By Hon'ble Dr. A. K. Mishra, Member (A)

This application has been made for a direction to quash the order dated 25.1.2006 of the Respondent No. 4 whereby the services of the applicant as a substitute GDS (Vitruk) has been terminated.

2. The applicant had been working in different capacities of Gramin Dak Sevak(GDS) in different spells from 8.10.2004 up to 25.1.2006 in substitute capacity.

He has assailed the termination order on the following grounds:-

- (i) that it was an arbitrary order made without giving the applicant any opportunity of being heard;
- (ii) that the justification given in dispensing with his services on the ground of non-availability of adequate work load was not justifiable;
- (iii) that the applicant has been singled out for this action although others have been allowed to continue in substitute capacity and that there was no



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representation of a scheduled caste candidate in Kaithola Post Office and the applicant could have been adjusted;

(iv) further that his representation to the Senior Superintendent Post Offices Pratapgarh in this connection has not been disposed of in accordance with law.

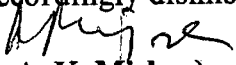
3. The respondents have submitted that the applicant was engaged as a substitute employee on the risk and responsibility of the regular employees as and when casual vacancies arose in Branch Post Offices at Umari and Kaithola. His services were dispensed with as there was no adequate work load at Kaithola. The applicant had no vested right to continue as a substitute employee uninterruptedly. Neither does he have any right for regularization in terms of departmental regulations. The decision of Full Bench of this Tribunal in the case of D.M. Nagesh Vs. The Assistant Superintendent of Post Office, Bangalore South, Bangalore and Ors reported in ATFBJ 1997-2001-160 which was upheld by the Hon'ble High Court of Karnataka has been cited to support the contention of the respondents that the substitute employee has no legal right for regularization or for continuance in the department.

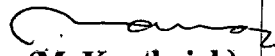
4. The applicant has not made any claim for regularization of his services. Neither is he seeking the benefits of the departmental instructions issued in the letter dated 6.6.1988 of the Director General Post Office applicable to casual employees who have completed continuous service of 240 days in a year. Therefore, the decisions cited has no application to the present case.

5. The fact remains that the departmental authorities are had the best judge to assess the work load in a particular post office and whether there was need for engaging extra hands. A substitute employee cannot question a termination order on the ground that, according to his own estimate, there was sufficient work load to justify his continuance. The applicant has not made out any case about his right to continue as a substitute employee.



6. Under the circumstances, we do not find any merit in this application which is accordingly dismissed.


(Dr. A. K. Mishra)
Member (A)


(M. Kanthaiah)
Member (J)
12.01.2009.

v.