

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH, LUCKNOW.

ORIGINAL APPLICATION NO.467 of 1991.

this the 9th day of August'99.

HON'BLE MR D.C. VERMA, MEMBER(J)

HON'BLE MR A.K. MISRA, MEMBER(A)

Subhash Kumar Singh, aged about 19 years, S/o Sri Misri Singh, resident of 110, Mashak Ganj, Ward Wazir Ganj, District Lucknow.

Applicant.

By Advocate: None.

Versus.

Union of India through the Director General Posts & Telegraphs, Ministry of Communication, New Delhi.

2. The Postmaster General, U.P., Lucknow.

3. The Inspector of Post Offices, Moradabad Division, District Mooradabad.

4. Sri Prem Shanker, S/o Narain, R/o Village Bhatatwan, Tehsil Morradabad, District Mooradabad.

Respondents.

By Advocate: Dr. D. Chandra.

O R D E R (O R A L)

D.C. VERMA, MEMBER(J)

By this O.A., the applicant-Subhash Kumar Singh has prayed for quashing of the impugned order dated 13.9.91 (Annexure-1) by which the applicant was removed from service.

2. The brief facts as contained in the O.A. is that the applicant was a Scheduled Caste person and had possessed the requisite qualification for appointment to the post of Extra Departmental Delivery Agent (in short E.D.D.A). The applicant was appointed as EDDA by the respondent No.3 i.e. Inspector of Post Offices, Mooradabad and has been working as such. However, by the impugned order, the

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services of the applicant was dispensed-with without giving any reason.

2. Heard the learned counsel for the respondents and perused the pleadings on record.

3. The respondents' case is that the applicant was appointed by Extra Departmental Branch Post Master (in sort EDBPM) only as a substitute on ^{his} ~~the~~ responsibility ~~of EDMP~~ to work in place of Shri Gaj Ram Singh, EDMP, who had been promoted and posted out. One Shri G. Singh, Extra Departmental Mail Peon at Bhagatpur Tanda was promoted to Group 'D' cadre and, therefore, by order Annexure-1 dated 29.4.91 EDBPM was asked to relieve Shri Gaj Ram Singh and on his own responsibility engage some person to work in place of Shri Gaj Ram Singh for the time being. Accordingly the applicant was appointed as EDMP as substitute on his own risk on 30.4.91. The vacancy of Shri Gaj Ram Singh was notified and regular selection was made. The respondent No.4 i.e. Prem Shanker was selected and appointed. The name of the applicant was not sponsored by the Employment Exchange. The applicant had not even applied directly for consideration of the said post alongwith other candidates. Consequently, the name of the applicant was not considered. As Sri Prem Shanker was regularly appointed, he was given charge on 11.9.91. Since then the respondent No.4 is working as such. The applicant being a substitute has no claim ^{to the} ~~a~~ post especially when the regularly selected candidate was appointed. In view thereof, there is no merit in the O.A. and the same is dismissed.


Member (A)


Member (J)

Lucknow; Dated: 9.8.99.