

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Lucknow this the 21st day of August, 1995.

O.A. No. 505 of 1991

HON. MR. V.K. SETH, MEMBER(A)

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

Priya Das Dubey aged about 26 years, son of late Ram Lekhan Dubey, resident of Gaura Patti, District Faizabad.

Applicant.

By Advocate Shri Surendran P.

versus

1. Union of India through Secretary, Posts, Nw Delhi.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. Senior Superintendent of Post Offices, Faizabad.
4. Inspector of Post Offices, Faizabad, Sub Division, Faizabad.
5. Smt. Hemlata Mishra, wife of Shri Ram Kumar Mishra, resident of Mohalla Kandhari Bazar, District Faizabad.
6. Sri Ram Kewal Tewari, Sub Divisional Inspector of Post Offices, South Sub division, Faizabad.

Respondents.

By Advocate Dr. Dinesh Chandra.

O R D E R

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By means of this O.A. the applicant has challenged the oral order of his disengagement from service with effect from 15.7.1991.

2. The respondents have contested the claim of the applicant and pleadings have been exchanged.

3. We have also heard the learned counsel for the parties. One Shri Rajesh Trivedi was working as E.D. Stamp Vendor, Dhar Marg, Faizabad. On his promotion to Group D the applicant, on the risk and responsibility of Shri Rajesh Trivedi was engaged as

as E.D. Stamp Vendor. For the vacant post, the Employment Exchange, Faizabad was addressed and some names were received. As per averments in the counter affidavit, the candidates were addressed to send their applications, but none applied. Public notice was therefore, issued and 4 applications were received in response, the applicant being one of them. However, one Smt. Hemlata respondent No. 5 in the present O.A. was selected and she took the charge of the post on 15.7.1995.

4. The applicant's main contentions are that he worked from 8.4.91 to 4.7.91 without any complaint and his services were terminated without notice. He also asserts that the termination is against the provisions of E.D. Rules.

5. The undisputed facts are (1) that the applicant worked only for a short period of slightly over three months from 8.4.91 to 14.7.91 and (2) he was engaged as E.D.S.V. without approval of the appointing authority (3) even subsequently, no approval of the appointing authority was accorded and the applicant worked solely on the responsibility of Shri Rajesh Trivedi and (4) he was disengaged from service on appointment of the selected candidate. There is no claim that the applicant*

6. The above facts clearly demonstrate that the applicant had no legal right on the post of E.D. Stamp Vendor. No rule or rulings have been cited before us to support the claim of the applicant in this behalf.

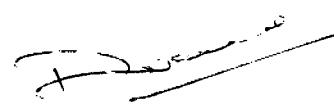
7. In the circumstances, this O.A. is liable to be rejected and we order accordingly. Nonetheless, as the applicant has stated in his O.A. that his representation dated 24.7.91 is pending and the same has not been denied by the respondents in their

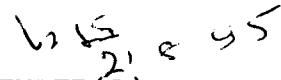
* was more
meritorious
than the
respondent
No.5.

✓ ✓

C.A., the respondents are at liberty to decide the same within a reasonable time, if the same is still pending. However, we issue no directions in this behalf.

8. The O.A. is disposed of in the above terms with no order as to costs.


MEMBER (J)


MEMBER (A)

Shakeel/