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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.44/91.

Date of Judgement : 22.9.93.

T.Uma Maheshwar Rao

.. Applicant

Vs.

1. Postal Inspector,
Cheepurupalli,
Vizianagaram Dist.
2. Postmaster-General,
RTC Complex, 3rd Floor,
Visakhapatnam.
3. Donakonda Mohana Rao .. Respondents

Counsel for the Applicant :: Shri K.S.Murthy

Counsel for the Respondents:: Shri N.R.Devaraj, Sr. OGSC

CORAM:

Hon'ble Shri A.B.Gorthi : Member(A)

Hon'ble Shri T.Chandrasekhara Reddy : Member(J)

J u d g e m e n t

[As per Hon'ble Shri A.B.Gorthi : Member(A)]

The Applicant was appointed as a substitute E.D.Messenger in Cheepurupalle Sub Post Office, Vizianagaram District in the leave vacancy occurring between 5.12.88 to 11.4.90.

The regular incumbent was Shri R.Surappadu and the Applicant worked as a substitute E.D.Messenger whenever the said Shri R.Surappadu proceeded on leave. On 11.4.90, Shri R.Surappadu suddenly passed away. The Respondents instead of allowing the Applicant to continue as a substitute E.D.Messenger terminated his services on 11.4.90 itself and appointed Respondent No.3 in his place. The Applicant, therefore, challenges in this application not only the validity of the order terminating his services but also the propriety of appointing Respondent No.3 in his place.

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2. The Respondents in their brief counter affidavit have brought out that the Applicant did work as a substitute in the leave vacancy for various spells, totalling 95 days between 5.12.88 and 11.4.90. The Respondents have further stated that Shri R.Surappadu applied for leave from 10.4.90 to 10.5.90 by nominating another substitute Shri T.S.N.Sarma. This arrangement was not accepted by the Respondents and, as Shri R.Surappadu died on 11.4.90, they provisionally appointed Respondent No.3 to the said post. Even the services of Respondent No.3 had to be terminated as the Respondents had to appoint an Ex-E.D.Agent of Cheepurupalle Sub Post Office who was thrown out of employment for want of vacancy. Thus, with the regular appointment of another incumbent to the post of E.D.Agent in Cheepurupalle Sub Post Office, there is now no question of considering the Applicant for appointment to that post.

3. It is well settled that a substitute employee does not have a vested right to claim to continue in that appointment for ever. The Applicant was nominated as a substitute by Shri R.Surappadu and even if the said arrangement was with the approval of the Respondents, the Respondents are not duty-bound to engage him only, in preference to others. There is no doubt that it would neither be fair nor proper to replace one provisional appointee with another provisional appointee, but in this case the Respondents have clarified that the post had since been filled up by an Ex-E.D.Agent on a regular basis.

4. In view of the above, we are not inclined to accede to any of the claims of the Applicant made in this application.

5. The application is, therefore, dismissed. There shall be no order as to costs.

T.C.R.
(T.Chandrasekhara Reddy)
Member (J).

Abu
(A.B.Gorthi)
Member (A).

Dated: 22 Sept., 1993.

S. S. Rao
Deputy Registrar (J)

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To

1. The Postal Inspector, Cheepurupalli, vizianagaram Dist.
2. The Postmaster General, RTC Complex, 3rd floor, visakhapatnam.
3. One copy to Mr. K.S.Murthy, Advocate, 3-6-779 14th Street, Himayatnagar, Hyderabad.
4. One copy to Mr.N.R.Devraj, Sr.OGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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*3rd Atf
P.M. 5/3*