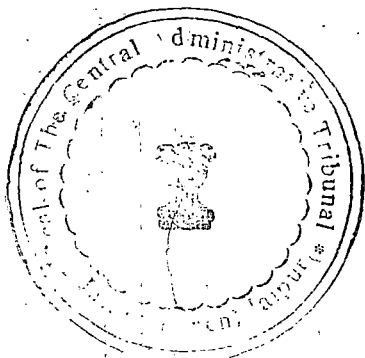


IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH : JAIPUR

Date of order : 02.05.2002

1. O.A. No. 406/2001
with
2. M.A. Nos. 47/2002 & 93/2002



Dal Chand son of Shri Mahavir Prasad aged about 25 years resident of village Madhopura, P.O. Neralia (Pushkar) Distt. Ajmer and working as Jeep Driver, office of the Senior Superintendent of Post Offices, Ajmer Division, Ajmer.

... Applicant.

versus

1. Union of India through the Secretary to the Government of India, Department of Posts, Ministry of Communications, New Delhi - 110 001.
2. Post Master General, Rajasthan Southern Region, Ajmer- 305001
3. Senior Superintendent of Post Offices, Ajmer Division, Ajmer.

... Respondents.

3. C.P. No. 07/2002
in
O.A. No. 406/2001

Dal Chand son of Shri Mahaveer Prasad aged about 25 years resident of village Madhopur P.O. Neralia Distt. Ajmer and working as Jeep Driver office of the Senior Superintendent of Post Offices, Ajmer Division, Ajmaer.

... Petitioner.

versus

1. H.K. Sharma, Postmaster General, Rajasthan Southern Region, Jodhpur - 324 003.

2. Niraj Kumar, Senior Superintendent of Post Offices, Ajmer Division, Ajmer (Raj.) : 305 001.

... Respondents.

Mr. K.L. Thawani, Counsel for the applicant.

Mr. N.C. Goyal, Counsel for the respondents.

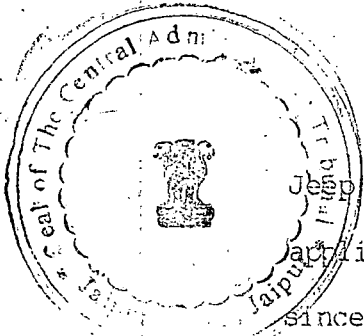
CORAM:

Hon'ble Mr. Justice O.P. Garg, Vice Chairman

Hon'ble Mr. A.P. Nagrath, Administrative Member

: O R D E R :

(Per Hon'ble Mr. Justice O.P. Garg)



The applicant is seeking regular appointment on the post of Jeep Driver in the Postal Department. It is stated that the applicant has been working as Driver in the Postal Department since the year 2000 regularly.

2. Heard Shri K.L. Thawani, learned counsel for the applicant as well as Shri N.C. Goyal, appearing on behalf of the respondents.

3. After perusing the reply filed by the respondents as well as the details furnished in M.A. No. 93/2002, we find that the applicant has been engaged only as a substitute on intermittent basis as and when the regular Driver went on leave. The contention of Shri Thawani, learned counsel for the applicant, is that the Senior Superintendent of Post Offices, Ajmer Division, was having a regular vehicle, which has now been transferred to Bhilwara Office. He has frankly conceded that presently there is no post of Driver available to accommodate the applicant at Ajmer Division.

out

4. On the basis of the details furnished by the respondents, the applicant never worked against a regular of ^{post} Driver. He was engaged in the exigencies of circumstances as and when the regular Driver went on leave. The applicant has not acquired any indefeasible right to hold the post of Driver merely because he was engaged to work as Driver as a substitute. The O.A. therefore, turns out to be devoid of any merit and substance. It is accordingly dismissed without any order as to costs.

6. However, it is directed that keeping in view the past performance and the conduct of the applicant, the respondent-department may consider his case according to law, alongwith others as and when a regular vacancy of Driver arises.

7. Since the O.A. has been dismissed, no orders are required to be passed on M.A. Nos. 47/20 and 93/2002. They be filed.

8. The C.P. No. 7/2002 is also dismissed as we are satisfied that the respondents have not disobeyed the order of this Tribunal deliberately. Notices shall stand discharged.

(A.P. Nagrath)
Adm. Member

(Justice O.P. Garg)
Vice Chairman

Certified That This is a True and
Accurate Copy of The Document/Order
As In the File No.
And That All The Matter Appearing
Therein Have Been Legibly and Faith-
fully Copied with no Modification.

Copying Clerk Section Officer(Judicial)
C.A.T. Jaipur Bench