

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR. (8)

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Date of Decision: 11.4.97

OA 194/96

Hem Raj Yadav, EDEPM, Village Guwana, Tehsil Behror, District Alwar.

... Applicant

Versus

1. Union of India through Secretary, Ministry of Communication, Department of Post, New Delhi.
2. Senior Supdt. of Post Offices, Alwar Divisional Office, Motidoongri, Alwar.

... Respondents

CORAM:

HON'BLE MR. GOPAL PRISHNA, VICE CHAIRMAN

HON'BLE MR. O.P. SHARMA, ADMINISTRATIVE MEMBER

For the Applicant

... Mr. P.K. Sharma

For the Respondents

...           

O-R-D-E-R

PER HON'BLE MR. GOPAL PRISHNA, VICE-CHAIRMAN

Applicant, Hem Raj Yadav, in this application u/s 19 of the Administrative Tribunals Act, 1985, has assailed the verbal termination of his services as an Extra Departmental Branch Post Master (EDEPM, for short).

2. We have heard the learned counsel for the applicant and have perused the records.

3. The applicant was appointed on provisional basis vide Ann.A-1. His appointment was liable to be terminated when a regular appointment was to be made and the applicant was made to understand that he shall have no claim for appointment to any post. There is no averment in the application that the applicant is being replaced by another provisional appointee. The averments made in the application are absolutely vague. It is alleged that the applicant was appointed on 23.2.91 and on his verbal termination he had to agitate his grievance before a civil court and under a stay order granted by the civil court he continued in the post of EDEPM till he was relieved by Shri Kailash Chand. The applicant has also not impleaded Shri Kailash Chand, who has replaced him in the said post. When in fact the applicant was disengaged from service, he should have challenged his disengagement before this Tribunal. The mere fact that he continued to hold the post under a stay order of the civil court does not vest him with any right thereto. The applicant is bound by the terms of his appointment, contained in Ann.A-1, and since he did not acquire any right to ~~continue~~ hold the post, we find no merit in this application.

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4. The OA, therefore, stands dismissed at the stage of admission.

(O.P. SHARMA)

ADMINISTRATIVE MEMBER

(GOPAL KRISHNA)

VICE CHAIRMAN

VK