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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 15.5.2000

OA 221/97

Chhitar Lal Meena, EDBPM, Ballopp, Tehsil Talera, Distt. Bundi (Rajasthan).

... Applicant

Versus

1. Union of India through Secretary, Ministry of Communication, Dak Bhawan, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur.
3. Supdt. of Post Offices, Tonk Division, Tonk.

... Respondents

CORAM:

HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

HON'BLE MR.N.P.NAWANI, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.A.L.Verma

For the Respondents

... Mr.K.N.Shrimal

O R D E R

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

In this OA the applicant makes a prayer to restrain the respondents from terminating the services of the applicant and further directions were also sought not to appoint any fresh candidate in place of the applicant.

2. In brief, the case of the applicant is that he was appointed on the post of EDBPM, Ballopp. It is also stated that the respondents invited applications vide letter dated 11.3.93 from the eligible candidates for appointment on the post of EDBPM, Ballopp, but none was available for the appointment. The applicant further submits that the respondents have still invited fresh applications in 1997 and are going to make appointment of a candidate in place of the applicant, which is arbitrary, illegal and against the provisions of Article 21 of the Constitution. Therefore, the applicant filed this OA for the relief as mentioned above.

3. Reply was filed. In the reply it has been made clear that the applicant has no legal right for appointment on the post. It is also stated that the applicant was appointed on substitute basis and given charge on 5.12.91. Thereafter, a regular selection process was started for appointment of EDBPM, Ballopp, and Shri Nand Lal Verma was selected on the post and he has joined his duties in the month of July, 1997. It is also stated in the reply that the applicant does not fulfil the eligibility criteria as the eligibility criteria for the post of EDBPM is Matriculation, whereas the applicant is only 8th Class passed. In view of the submissions made in the reply, the

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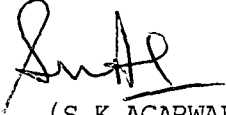
respondents have requested to dismiss this OA having no merit.

4. We have heard the learned counsel for the parties and also perused the whole record.

5. It is made clear by the respondents in the reply that the applicant was appointed initially as Substitute EDBPM, Ballopp. Therefore, Substitute has no right to the post. Not only this, he does not fulfil the eligibility criteria as he is only 8th Class passed, whereas the requisite qualification for the post of EDBPM is Matriculation. As the applicant was merely appointed as Substitute, who has no right to the post and moreover the applicant also does not fulfil the eligibility criteria for the post. The respondent department has also selected Shri Nand Lal Verma on the post and he has joined his duties and working on the post. Therefore, we are of the considered view that the applicant has no case and this OA is devoid of any merit and is liable to be dismissed.

6. We, therefore, dismiss this OA at the stage of admission with no order as to costs.


(N.P. NAWANI)
MEMBER (A)


(S.K. AGARWAL)
MEMBER (A)