

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A No.382/98

Date of order: 1/8/2000

Rachey Shyam Sain, S/o Nanag Ram, P/o Near Gills School, Bandikui
and Ex.ED Facker, Bandikui, Distt.Dausa.

...Applicant.

Vs.

1. Union of India through Secretary, Mini. of Communications Deptt.
of Posts, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur.
3. Superintendent of Post Office, Jaipur Mofussil Division, Jaipur.
4. Inspector of Post Offices, Bandikui-303313, Dausa.

...Respondents.

Mr.K.L.Thawani - Counsel for applicant.

Mr.M.Rafic) - Counsel for respondents.

Mr.Hemant Gupta)

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.N.P.Nawani, Administrative Member.

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

In this Original application filed under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to quash and set aside the order dated 7.5.98 (Annex.A1) and to direct the respondents to regularise the services of the applicant and if any selection is to be made then the applicant should also be considered alongwith others by giving weightage to his past experience.

2. In brief the case of the applicant is that he was appointed as ED Facker, Bandikui Post Office on 16.7.92 on temporary basis and he continued upto 12.6.93. It is stated that the applicant was engaged provisionally vice Shri Anil Kumar, who was facing disciplinary action. It is stated that the applicant fulfills the eligibility criteria for the post of ED Facker and the post is still lying vacant and he worked for 12 months without any complaint. Therefore, the applicant is

[Handwritten signature]

10

entitled to be regularised in the service on the post of ED Facker. In view of the above, the applicant filed the O.A for the relief as mentioned above.

3. Reply was filed. In the reply, it is stated that the applicant worked as ED Facker at Post Office Bandikui purely as a stop gap arrangement for the periods from 17.7.92 to 22.7.92, 31.8.92 to 30.9.92, 1.11.92 to 30.11.92 and 8.6.93 to 11.6.93. It is stated that the applicant was neither appointed on the post of ED Facker at Bandikui nor his services were terminated. He was merely engaged as a substitute in leave arrangement which was purely on a stop gap arrangement. The applicant worked total for 71 days only, therefore, he is not entitled to the relief sought for.

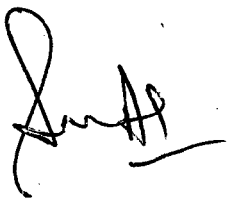
4. Rejoinder has also been filed which is on record.

5. Heard the learned counsel for the parties and also perused the whole record.

6. On the perusal of the averments made by the parties, it becomes abundantly clear that the applicant was engaged as a substitute in leave arrangement only as a sort of stop gap arrangement. It is also clear that the applicant only worked for 71 days in different spells during the leave arrangements. No regular appointment was made.

7. A substitute has no right to the post. In the same way a substitute cannot claim any regularisation on the post of ED Facker. Merely the applicant was fulfilling the eligibility criteria meant for ED Facker is not the sole ground to regularise the service of the applicant as ED Facker. In the same way no weightage can be given to the applicant of the experience gained by him as per the latest decision given by the Full Bench of the Tribunal (Bangalore).

8. The order dated 7.5.98 (Annex.A1) was issued by the respondents to the applicant with reference to his letter dated 28.3.98 and by this letter, the applicant was informed that he has no case for regularisation as the applicant has worked as a substitute. Therefore, merely working as ED Facker at Bandikui on a substitute basis only for a

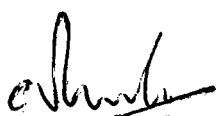


: 3 :

period of 71 days in different spells does not entitle the applicant to be regularised on the post of ED Facker at Bandikui and no weightage can be given to the applicant for his past experience.

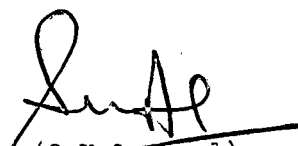
9. Therefore, in our considered view, the applicant is not entitled to any relief sought for and this O.A is devoid of any merit.

10. We, therefore, dismiss the O.A with no order as to costs.



(N.F. Nawari)

Member (A).



(S.K. Agarwal)

Member (J).