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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 02.08.2000

OA No. 67/1998

Mahesh Kumar S/o Shri Motilal, last employed on the post of
EDMC, Ajmer.

.. Applicant

V e r s u s

1. Union of India through Secretary, Ministry of Communications, Department of Post, Dak Bhawan, New Delhi.
2. Superintendent of Post Offices, Ajmer Division, Ajmer
3. Sub Post Master (SHG III), HMT, Ajmer.

.. Respondents

Mr. Shiv Kumar, counsel for the applicant

Mr. K.N. Shrimai, counsel for respondents

CORAM:

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

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

ORDER

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

In this Original Application filed under Section 19 of the Administrative Tribunals Act, applicant makes a prayer to direct the respondents to take the applicant on duty and to pay him the arrears w.e.f. January, 1997 till he is taken on duty.

2. In brief, the facts of the case as stated by the applicant are that applicant was initially appointed on the post of Extra Departmental Mail Carrier in the year 1986 and he was discharging his duties efficiently and he continued till December, 1996. It is stated that applicant is fully

qualified for the post and belongs to reserved category but the applicant was discontinued. Applicant filed representation but with no result. It is stated that before termination no notice of show-cause or compensation was given to the application. Therefore, the order of termination becomes illegal. In view of the facts stated in this OA, the applicant made a prayer as mentioned above.

3. Reply was filed. In the reply, it has been stated that the applicant has worked as EDDA/ED Packer at G.C. Road Post Office, Ajmer as substitute offered by regular ED Agents Shri Ashok Kumar, Vinod Kumar and Mool Chand on the date mentioned in the reply. It is also stated that applicant never worked as regularly selected ED Agent but he worked as substitute only offered by the regular ED Agents in the leave vacancy on his risk and responsibility. Therefore, the applicant has no case for regularisation of his services and, therefore, he is not entitled to any relief sought for.

4. Admittedly, the applicant was appointed on substitute basis. The substitute has no right to the post. The applicant failed to establish the fact that applicant was a regularly selected EDDA/ED Packer as the applicant had worked only as substitute EDDA/ED Packer. Therefore, he has no right to the post. No weightage of his experience as substitute can be given to the applicant. The applicant was not a regularly selected ED Agent. Therefore, in view of the facts of this case and the settled legal position, we are of the considered opinion that the applicant has no case for interference by this Tribunal and this Original Application deserves to be dismissed.

W.A.H.

(9)

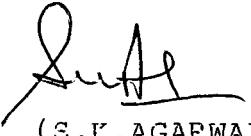
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5. We, therefore, dismiss this Original Application at the stage of admission with no order as to costs.



(N.P. HAWAANI)

Adm. Member



(S.K. AGARWAL)

Judl. Member