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CENTRAL ADMINISTRATIVE TRIBUNAL,
JABALPUR BENCH,
JABALPUR

Original Application No. 367 of 2005

Jabalpur, this the 14th day of September, 2006

Hon'ble Dr. G.C. Srivastava, Vice Chairman
Hon'ble Mr. A.K. Gaur, Judicial Member

Laxmi Prasad Patel,
Aged 30 years,
S/o. Shri Champalal Patel,
EDMC Gramin Dak Sevak,
Chhulla (Garhakota Nadipar),
Sagar District Sagar. **Applicant**

(By Advocate – Shri Pushpendra Yadav on behalf of Shri Sanjay K.
Agrawal)

V e r s u s

1. Union of India,
Through the Ministry of
Telecommunication, Department
of Post and Telegraph,
Govt. of India, New Delhi.
2. Post Master, Sagar Cantt.
Head Office, Sagar (MP).
3. Sub Divisional Inspector (Post),
North Sub Division, Sagar,
District Sagar. **Respondents**

(By Advocate – Shri S.A. Dharmadhikari)

O R D E R (Oral)

By A.K. Gaur, Judicial Member –

Heard the learned counsel for the applicant and Shri S.A. Dharmadhikari, learned counsel, appearing for the respondents.

2. The applicant was appointed on the post of Gramin Dak Sevak in the Department of Post vide order dated 20.5.2002 issued by the
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Sub Divisional Inspector (P) (Annexure A-1) and was posted in the Branch Office, Chhulla (Garhakota Nadipar), Sagar. In order to fill up the vacancy caused on account of absence of one person for long time, the applicant was appointed as Gramin Dak Sevak and permission was accorded by the Sub Divisional Inspector (Post), Sagar vide memo dated 18.9.2002 (Annexure A-2). Pursuant to the appointment of the applicant as Gramin Dak Sevak he started discharging the duties regularly. According to the applicant the applicant received cash and stamps for delivery from time to time. The applicant was paid salary in the regular pay scale of Rs. 1545-2020/- with admissible emoluments. Vide the order dated 6.4.2005 (Annexure A-5) the services of the applicant have been terminated.

3. By means of filing counter reply it has been contended on behalf of the respondents that the applicant was temporarily engaged against the post of Gramin Dak Sevak/Mail Carrier as the incumbent of the post was absent from his duties for a long period. An adhoc arrangement was made vide order dated 20.2.2002 by the Sub Divisional Inspector with clear understanding that the arrangement so made is totally temporary and might be terminated without giving any notice (Annexure A-1). Since the applicant is appointed purely on provisional basis, he was sought to be terminated invoking the provisions of Rule 8 of GDS (Conduct & Employment) Rules, 2001 and was paid one month's TRCA in lieu of one month's notice.

4. The learned counsel for the respondents has placed reliance on the decision of the Hon'ble M.P. High Court rendered in Writ Petition No. 1458/2005, Union of India Vs. Manohar Chaudhary in order to buttress the contention that the applicant has no right to hold the post. His services can be terminated in terms of the order of the appointment without assigning any reason.

5. We are fully satisfied and are in agreement with the arguments advanced by the learned counsel for the respondents and in view of

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the decisions rendered by the Hon'ble Supreme Court in 2006 SCC (L&S) 753 – Secretary, State of Karnataka & Ors. Vs. Umadevi (3) & Ors. and of Hon'ble High Court in Manohar Chaudhary (supra), this Original Application has no merits and is liable to be dismissed. Accordingly, the same is dismissed. No costs.

A.K. Gaur
(A.K. Gaur)
Judicial Member

G.C. Srivastava
(Dr. G.C. Srivastava)
Vice Chairman

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पृष्ठांकन सं ओ/व्या.....जबलपुर, दि.....
प विनिर्दिष्ट कार्य दिनांक:-

- (1) सचिव, उच्च न्यायालय का एक्सेक्यूटिव, जबलपुर
- (2) उम्मेदवार श्री/श्रीमती/शु.....के काउंसल
- (3) प्रत्यक्षी श्री/श्रीमती/शु.....के काउंसल
- (4) न्यायालय, कोर्ट, जबलपुर न्यायाधीश-सूचना एवं आवश्यक कार्यकारी हेतु

उप रजिस्ट्रार

Issued
on 12.5.06

Smt. K. Agrawal
Dr. B. S. Sharma
Dr. B. S. Sharma