

(2018) 07 CHH CK 0388

In the Chhattisgarh High Court

Case No : Writ Petition (S) No. 3797 Of 2018

Union Of India And Ors

APPELLANT

Vs

Om Prakash Tiwari

RESPONDENT

Date of Decision : 31-07-2018

Acts Referred:

Citation : (2018) 07 CHH CK 0388

Hon'ble Judges : Ajay Kumar Tripathi, CJ; Prashant Kumar Mishra, J

Bench : Division Bench

Advocate : B. Gopa Kumar, A. K. Shukla

Final Decision : Dismissed

Judgement

Prashant Kumar Mishra, J

1. It is in the peculiarity of facts that the Central Administrative Tribunal vide order dated 25.08.2017 passed in OA No.203/00272/2014 quashed the order of termination/removal of the private respondent and allowed him to continue as a substitute Branch Post Master of Kamrid till a regularly recruited Branch Post Master is appointed for Kamrid.

2. The private respondent came in as a substitute Branch Post Master at Kamrid 18 years ago. It was supposed to be a stopgap arrangement caused due to the deputation of the brother of the private respondent to the Armed Postal Services, but instead of the short duration for which the private respondent was required to fill in the gap, he has overstayed not because of his conduct but because of the petitioner Postal Department, who could not find a regular Branch Post Master for the said Post Office. It is in this background that when the Postal Department decided to disengage or terminate him, that he moved the Central Administrative Tribunal. The Tribunal has also held that since the private respondent is a substituted Branch Post Master, he has no right of continuation as per the rules and his services can be dispensed with provided regular arrangements are in place.

3. Admittedly, the Postal Department has not found somebody to fill up the vacancy on a regular basis. They have made somebody In-charge of Kamrid Post Office in addition to his responsibility in another station and this is sought to be passed on as appointment of a Branch Post Master on a substantive basis.

4. We are not inclined to interfere with the order of the Tribunal, because the Tribunal has not created any right in favour of the private respondent and has given full freedom to the Postal Department to fill up the post of Branch Post Master and then dispense with the services of the private respondent. The ball is in the court of the Postal Department. It is for them to expedite the matter.

5. The writ application in the above circumstances is dismissed, being devoid of merit.