

Court No. - 1

Case :- WRIT - A No. - 10104 of 2023

Petitioner :- Pawan Kumar

Respondent :- Central Administrative Tribunal
Lucknow Bench, Lucknow And 5 Others

Counsel for Petitioner :- Vijay Shankar Trivedi

Counsel for Respondent :- A.S.G.I.

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Jaspreet Singh,J.

Heard learned counsel for the petitioner and Sri S.B. Pandey, learned Senior Advocate and Deputy Solicitor General of India assisted by Sri Varun Pandey, learned counsel for Union of India.

The writ petition filed under Article 226 of the Constitution of India has assailed the judgment/order passed by the Central Administrative Tribunal in Original Application No. 220 of 2012 decided on 05th July, 2023, whereby, the Original Application filed by the petitioner has been dismissed.

It appears that the petitioner feeling aggrieved against the order dated 13th March, 2012 had approached the Tribunal with the institution of Original Application No. 220 of 2012 seeking the following reliefs:-

"Wherefore, it is most respectfully prayed that this Hon'ble tribunal may kindly be pleased to quash the order dated 13.03.2012 contained in annexure no. 1 and issue a direction to consider the applicant for appointment on the post of GDS BPM Pureykamgar".

The order so passed by the Tribunal has been scrutinized in light of the circulars applicable in this behalf. The Tribunal while deciding the Original Application has clearly observed that a substitute engaged intermittently for discharging gram dak seva has no legal right for being considered for regularization.

As far as the open selection was concerned, it

does not appear from the relief sought in the Original Application that any claim based on the preferential rights, if any, was either laid or pursued by the petitioner who was placed at serial no.21 of the merit list. No candidate below or equal to his merit was appointed.

The Tribunal limiting the case of the petitioner to his right to be considered for regularization in service has adjudicated upon the matter and the claim so made has been rejected by assigning specific reasons in light of the guidelines applicable in this behalf. The observations made by the learned Tribunal in our humble consideration do not suffer from any illegality calling for interference in exercise of writ jurisdiction, therefore, the writ petition bereft of any merit deserves rejection.

Accordingly, the petition is ***dismissed***.

(Jaspreet Singh, J.) (Attau Rahman Masoodi, J.)

Order Date :- 22.12.2023

Asheesh