

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3797 of 2018**

1. Union of India, Through the Secretary, Department Of Posts, Communication & I. T. Dak Bhawan, Sandad Marg. New Delhi, India, Pin 110001
2. The Chief Post Master General, Chhattisgarh Circle Raipur Chhattisgarh. Pin 492001
3. The Director Postal Services, Chhattisgarh Circle Raipur Chhattisgarh. Pin 492001
4. Superintendent of Post Office, Bilaspur Division Bilaspur Chhattisgarh 495001
5. Assistant Superintendent Of Post Office, Sub - Division Korba Chhattisgarh. 495677

---- Petitioner**Versus**

- Om Prakash Tiwari, S/o Late Shri Jhumuk Lal Tiwari, Aged About 48 Years, Ex - Postmaster, R/o Post Kamrid, Police Station Saragaon, Tahsil and District Janjgir Champa, Chhattisgarh. Pin 495660

---- Respondents

For Petitioners

Shri B. Gopa Kumar, ASG

For Respondent

Shri A. K. Shukla, Advocate

Hon'ble the Chief Justice Mr. Ajay Kumar Tripathi**Hon'ble Justice Mr. Prashant Kumar Mishra****Order On Board****31/07/2018**

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.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice

Sd/-

(Prashant Kumar Mishra)
Judge