

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No. 2005/99

New Delhi this the 15th day of September 1999

Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J)  
Hon'ble Mrs. Shanta Shastry, Member (A)

Shri Bhani Sahai,  
S/o Shri Lal Ji,  
R/o Gaur Bhawan  
Gali No. 40, Sadh Nagar  
Palam Colony,  
New Delhi.

...Applicant  
(By Advocate: Shri U. Srivastava with  
Shri M.K. Gaur)

Versus

1. Union of India  
Secretary (Posts)  
Dept. of Posts,  
Ministry of Communications,  
Dak-Bhawan, Parliament Street,  
New Delhi.
2. The Chief Post Master General  
Haryana Circle  
Ambala.
3. Sr. Supdt. of Post Offices,  
Gurgaon Division  
Gurgaon
4. Shri Ram Singh S/o  
Sh. Prabhu Dayal,  
ED Branch Postmaster,  
Dongra Ahir,  
Distt. Mahendergarh.

...Respondents

ORDER (Oral)

By Reddy, J.-

Heard the counsel for the applicant.

2. The grievance of the applicant is that he was entitled to be considered for the post of ED Branch Postmaster by the respondents in view of the judgment in OA-1983/93 dated 22.8.97. It is the

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grievance of the applicant that he was considered but he was not appointed though he was top on the merit list.

3. This is the second round of litigation of the applicant before the Tribunal. The applicant, aggrieved by the order of removal approached the Tribunal in OA-1983/93. The Bench while confirming the order of removal, however observed that there could not be any objection to reconsider the posting of the applicant in accordance with the rules under Rule 7(ii) of EDAs (Conduct and Service) Rules, 1964. The removal order was not a disqualification for future employment. The present OA is filed alleging that the applicant was considered as per the above order but he was not appointed though he was on the top of the merit list.

4. The only direction given by the Tribunal in the OA was that the applicant was entitled for consideration for future employment. Accordingly, the applicant was considered for the future employment. No material is placed before us that even though the applicant was on top of the merit list, he was not appointed, except the ipsi-digit of the applicant. Unless the applicant establishes a prima-facie case, the respondents cannot be called upon to reply. We do not find any merit in the OA.

5. The OA is dismissed. No costs.

*Shanta Shastry*  
(Mrs. Shanta Shastry)  
Member (A)

*V. Rajagopala Reddy*  
(V. Rajagopala Reddy)  
Vice-Chairman (J)