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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

O.A./T.A. NO. 2139 of /1994 Decided on : 8.12.95

Sukhbir Singh

... Applicant(s)

(By Shri G.S. Begrar

Advocate)

versus

U.O.I.

... Respondent(s)

(By Shri M.K. Gupta

Advocate)

CORAM

THE HON'BLE SHRI S.R. ADIGE, MEMBER (A)

THE HON'BLE SHRI DR. A. VEDAVALLI, MEMBER (J)

1. To be referred to the Reporter or not ? Yes
2. Whether to be circulated to other Benches of the Tribunal ? Yes

(DR. A. VEDAVALLI)
Member (J)

(S.R. ADIGE)
Member (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench: New Delhi

O.A.No.2139/94

New Delhi, dated the 8th December, 1995

HON'BLE MR. S.R. ADIGE, MEMBER (A)

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Sukbir Singh,
S/o Shri Kishan Lal,
R/o Vill. & Post Office, Khera,
Afgan, Distt. Saharanpur,
U.P.

..... APPLICANT

(By Advocate: Shri G.S. Beqrar)

VERSUS

1. The Union of India through
the Post Master General,
U.P. Circle, Lucknow.

2. The Director, Postal Services,
Dehradun Area, Dehradun,
U.P.

3. The Senior Superintendent
of Post Office,
saharanpur.

4. Shri Hukum Singh,
S/o Shri Samroo,
Vill. & P.O. Daurala,
(Ambeta), P.S. Rampur. RESPONDENTS

(By Advocate: Shri N.S.Mehta for R-1 & 3
Shri M.K. Gupta for R-2)

JUDGMENT

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

In this application Shri Sukhbir Singh has impugned the order (not filed) discontinuing him from service, as well as the appellate order dated 21.1.94 (Annexure A-1) rejecting his appeal.

2. The applicant who claims to belong to Village & P.O. Khera A-fghan, Distt. Saharanpur (U.P.) claims that he was appointed as a Extra Departmental Mail Peon on 10.1.92 and continued

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up to 22.3.93 after his name was forwarded by the Employment Exchange but was suddenly discontinued without any show cause, or any order of termination, and his appeal petition was also summarily rejected by the impugned order dated 21.1.94 against which he is aggrieved.

3. From the reply of the official respondents as well as Respondents No.4 it would appear that a Branch P.O. was opened in Village Daurala, Saharanpur Distt., U.P. in account with Ambhta Sub P.O. in 1991 and two posts one of EDMP and one of ED Branch Post Master were sanctioned. An incumbent was appointed as EDMP in accordance with rules w.e.f. 31.5.91, but as the post of EDBPM was lying vacant in spite of efforts made to fill it, this incumbent was given a chance to officiate against that post of EDBPM. Against the post of EDMP another substitute incumbent was appointed on 5.6.91 who worked till 9.1.92, and on his falling ill, the applicant was appointed on 10.1.92, on the responsibility of the EDBPM, Khera Afghan, a neighbouring Extra Departmental Br. P.O. and the applicant worked till 22.2.93. Meanwhile upon appointment of the regular EDBPM at Daurala on 23.2.92, the officiating incumbent was reverted to his substantive post as EDMP, who did not join his post and remained absent for nearly 6 months. Under the circumstances his appointment as EDMP

Dhaurala was terminated and a regular appointment was made against that post in accordance with rules. During the interval the applicant ^{at Dhaurala} continued to function as substitute EDM^A from 10.1.92 to 22.3.93. These facts have not been specifically denied by the applicant in his rejoinder.

4. Shri Begar has stated that the contents of the rejoinder of Respondents No.4 cannot be allowed to be taken on record, but there is no earlier order specifically debarring taking of the same on record. He also contends that no show cause notice was issued, or reasons given for terminating his services, but he has not even filed his appointment letter to satisfy us that his appointment was made in accordance with rules and under the circumstances, we have no reasons to doubt the averments made by the respondents in their reply. Furthermore, the relevant recruitment rules (Annexure R-II) require the EDM^A's to be permanent residents of the delivery jurisdiction of the P.O. In the instant case, the P.O. is Dhaurala, while the applicant upon his own admission has given his place of residence in the O.A. as Village and P.O. Khera Afghan. Under the circumstances, he is not eligible for appointment in the Dhaurala Br. P.O.

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5. The applicant's counsel Shri Begar has referred to some case law, but in view of the rule position cited above, none of the cases cited by him are of help to the applicant.

6. In the result there are no good grounds to intervene in this matter. This O.A. fails and is dismissed. No costs.

A. Vedavalli

(DR. A. VEDA VALLI)
Member (J)

S. R. Adige
(S. R. ADIGE)
Member (A)

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