

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No.648 of 1996

Allahabad this the 12th day of November, 2002

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr.S. Jha, Member (A)

Jai Prakash Srivastava, Son of Sri Shyam Sundar Lal Srivastava, aged about 35 years, resident of A-1/7, Old Targhar Coloney, Post-Kanpur Cantt., Kanpur-4.

Applicant

By Advocate Shri O.P. Gupta

Versus

1. Post Master Kanpur Cantt., Kanpur-208004.
2. S.S.P. Kanpur City, Division Kanpur-208004.
3. Union of India through Secretary, Ministry of Communication, Government of India, New Delhi.
4. Ram Sewak, Son of Sri Munshi Lal, resident of Village Vijaypur (Rashulabad) P.S. Kakkawan District Kanpur Dehat.

Respondents

By Advocate Shri S.C. Tripathi

O R D E R (Oral)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this O.A. under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for cancellation of appointment of respondent no.4 and for a direction to the respondents to ^{make} ~~file~~ fresh selection ^{under} to consider the candidature of the ^{applicant} and give him preference for the services....pg.2/-



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rendered by him for the last 15 years.

2. The facts of the case are that the applicant was engaged on different E.D. Posts in different capacity during the period of 25.04.1980 to 30.06.95. The details of engagement have been given in annexure-1. The grievance of the applicant is that though he had worked for more than 3 years, but he was not given preference in making regular appointment, ~~though~~ for which he was entitled under D.G. P & T letter no.43-4/77-Pen dated 18.05.79, which reads as under;

"Efforts should be made to give alternative employment to E.D. Agents who are appointed provisionally and subsequently discharged from service due to administrative reason. If at the time of discharge they had put in not less than 3 years services, in such cases their names should be included in the waiting list of E.D. Agents discharged from service prescribed in D.G. P & T letter no.43-4/77-Pen dated 23.02.1979."


3. In the counter-reply, the factual aspect of the case that the applicant has rendered services in different spells from 25.04.80 to 30.06.95, is not denied. However, it is stated that in the selection as better qualified candidates were available, they were selected, ~~but~~ the respondents have not given any justification as to why the aforesaid direction of the D.G. Posts was not followed in the case of the applicant, ~~that~~ ⁹⁶ he had put in more than 3 years service.

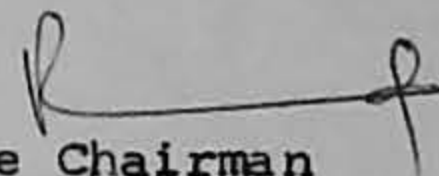
....pg.3/-



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4. Considering the facts and circumstances, in our opinion, it is not necessary to cancel the appointment of respondent no.4, ⁹⁸ ~~instead~~ the ends of justice shall be better served if the respondent no.2 is directed to consider the claim of the applicant in the light of the letter dated 18.05.79 of D.G. P & T and consider the claim of the applicant on preferential basis in the next post of E.D.Agents, ^{Whenever a} ~~is~~ available or any existing post, as the case may be. The efforts shall be made to give effect ^{to} this order within a period of six months. The O.A. stands disposed of accordingly. No order as to costs.


Member (A)


Vice Chairman

/M.M./