

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 729 of 1996

Allahabad this the 11th day of October, 2000

Hon'ble Mr.S.K.I. Naqvi, Member (J)

Binod Kumar Shahi, S/o Late Sri Ram Raksha  
Shahi, R/o Village & Post Newada (Sheopur)  
District Gorakhpur.

Applicant

By Advocate Shri Avnish Tripathi

Versus

1. Union of India through Chief Post Master General, Uttar Pradesh Zone, Lucknow-226001.
2. Senior Superintendent of post Office, Gorakhpur Division, Gorakhpur-273001.

Respondents

By Advocate Shri Satish Chaturvedi

O R D E R ( Oral )

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

Late Ram Raksha Shahi died in harness on 24.12.93 after having put in more than 25 years <sup>Service</sup> as E.D.B.P. M. in the respondents establishment. The applicant-Shri Binod Kr. Shahi applied for compassionate appointment and vide his order dated 31.5.1994, the respondent no.2 appointed the applicant as E.D.B.P.M. at Nevada

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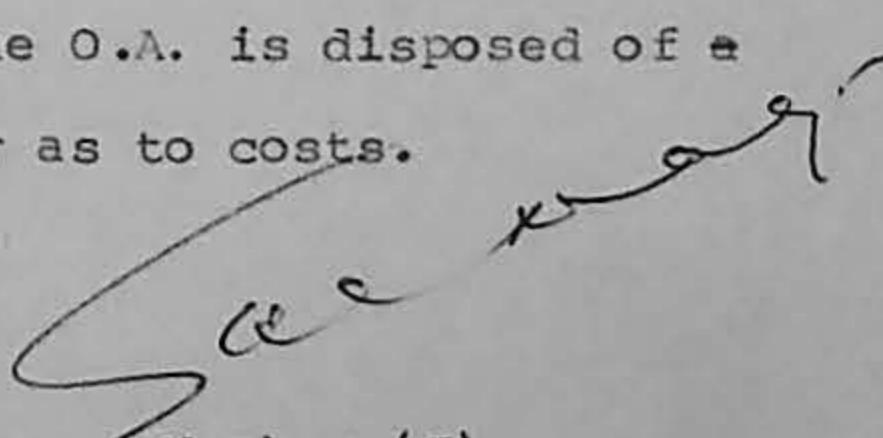
(Sheopur), District Ghazipur. Copy of appointment letter has been annexed as annexure A-2 to the O.A. This appointment letter contained a condition that it was subject to approval of Chief Post Master General and the Chief Post Master General took his decision vide order dated 19.6.96 and ~~cancel~~ <sup>cancel</sup> rejected the appointment of the applicant. Being aggrieved of this order dated 19.6.96, copy of which has been annexed as annexure no.1, the applicant has come up through this O.A. seeking relief to the effect that this annexure-1 be quashed and respondents be directed to allow the applicant to continue with his duty as E.D.B.P.M.

2. The respondents have contested the case and filed the counter-reply, mainly pleading that the appointment of the applicant was not final but was subject to approval of Chief Post Master General, which has specifically been mentioned in his appointment letter, and the applicant joined the service accepting this condition and now he cannot assail the position when his appointment has been rejected by C.P.M.G.

3 3. Heard, Shri Avnish Tripathi, learned counsel for the applicant and Shri Pankaj Srivastava proxy counsel to Shri Satish Chaturvedi, for the respondents. Perused the pleadings.

4. It is quite evident from the record that the applicant was appointed on compassionate ground vide order dated 31.5.94 by the competent appointing authority, copy of appointment letter is annexure no.2 to the O.A. It was on 19.6.96 i.e. after about 2 years, the Assistant Director (Recruitment) passed an order on behalf of C.P.M.G. cancelling the appointment of the applicant. This order is very very cryptic without assigning any acceptable reason and the authority passed this order ignoring the fact that it is being passed after more than 24 months during which the applicant remained in employment and is being rendered as unemployed and overage for any other service, and therefore, annexure-A to the O.A. deserves to be quashed.

5. The respondents are directed to reconsider the whole matter and pass appropriate detailed, reasoned and speaking order within a period of 6 months from the date of communication of copy of this order. In case the applicant is continuing in the service, he shall be allowed to continue as such, till the decision is taken by the departmental authority in the light of above observation. The O.A. is disposed of accordingly. No order as to costs.

  
Member (J)

/M.M./