

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

ORIGINAL APPLICATION NUMBER 332 OF 1998

ALLAHABAD, THIS THE 22nd DAY OF OCTOBER, 2003

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, V.C.  
HON'BLE MR. D. R. TIWARI, MEMBER (A)

Brijendra Kumar Mishra  
son of Shri Shiv Kumar Mishra,  
resident of Bhauti Pratappur,  
District-Kanpur Nagar.

.....Applicant

BY Advocate : Shri K.K. Tripathi)

V E R S U S

1. Union of India through Director General Postal Service, New Delhi.
2. Senior Superintendent of Post Offices Kanpur City Division, Kanpur.
3. Post Master General, Kanpur Division, Kanpur
4. S.D.I.(P) South, Sub Division, Kanpur City.

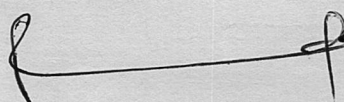
....Respondents

(By Advocate : Shri S. C. Tripathi)

O R D E R

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

By this O.A, filed under section 19 of Administrative Tribunals Act, 1985, the applicant has prayed to quash the order dated 28.01.1998 by which applicant has been communicated, on account of pendency of a Criminal Case that he has not been considered fit for promotion in Group 'D' service of the post office.



.....2/-



2. The facts of the case are that applicant was serving as E.D.D.A. at Post Office Bhauti Pratappur, in district Kanpur Nagar. He was involved in <sup>for which</sup> Criminal Case under Section 409 I.P.C. ~~and~~ F.I.R. was lodged and chargesheet was submitted <sup>in court</sup> in case number 2270 of 1993. The applicant filed an application under section 482 of the Cr. P.C. before Hon'ble High Court for quashing the F.I.R. and charge sheet, which has been registered as Criminal Misc. Application No.4818 of 1993 Brijendra Kumar Mishra Vs. State of U.P. and another. It is not disputed that case is still pending and <sup>which has not been quashed</sup> ~~against~~ the applicant's chargesheet has already been served, ~~he filed a criminal case~~. In our opinion, the order dated 28.01.1998 is justified.

3. In the facts and circumstances of the case, applicant could not be promoted and he is not even entitled for any relief at this stage. However, if applicant succeeds before the Hon'ble High Court, it would be open to him to agitate the matter. The application is disposed of finally with no order as to costs.

*[Signature]*  
Member (A)

*[Signature]*  
Vice-Chairman

shukla/-