

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 18th day of September, 2003.

Original Application No. 672 of 1998.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman.

Hon'ble Mr. D.R. Tiwari, Member- A.

Paras Nath Tiwari S/o Sri Bramhadin Tiwari
R/o Vill. Mahapura, Post Office- Baharia
Distt. Allahabad.

.....Applicant

Counsel for the applicant :- Sri L.M. Singh

V E R S U S

1. Union of India through the Secretary,
D/o Post and Telegraph, New Delhi.
2. Additional Superintendent of Post Offices,
Allahabad Division, Allahabad-2.
3. Branch Post Master, P.O. Kumbhauna,
Distt. Allahabad.

.....Respondents

Counsel for the respondents :- Sri D.S. Shukla

O R D E R (Oral)

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 challenged the alleged verbal termination order from the post of Extra Departmental Delivery Agent (EDDA)/E.D.M.C, Branch Post Office Kumbhauna, Distt. Allahabad.

2. The case of the applicant is that he was engaged as substitute on 27.02.1981 and continued up to 08.02.1986. Thereafter he was again engaged from 11.04.1986 to 30.11.1986 and from 01.01.1987 to 02.02.1987, 05.06.1987 to 30.09.1987

and thereafter, up-to 05.01.1988 when he was terminated by oral order. The applicant has prayed that verbal termination order may be quashed and respondents may be directed to give him appointment on the post of EDDA/EDMC.

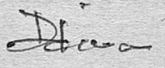
3. Resisting the claim of the applicant respondents have filed counter reply. In counter reply it has been stated that in Branch Post Office, Kumbhauna, Distt. Allahabad, real brother of the applicant Sri Amar Nath Tiwari was working as EDDA/EDMC. The applicant was engaged by his brother on his own responsibility on some occasions when he was away from the village. The applicant was never permitted by the department to work in any capacity and is not entitled for any relief.


4. The applicant in support of his claim has filed documents as annexure A-1 which are charge reports and receipts for cash and stamps on transfer of charge. These charge reports and receipts are of different dates. However, all the receipts have been signed by the applicant and his brother. There is no signature of any authority of Post Office. Thus from these documents, it is clear that the applicant procured the papers only for the purpose of this case. He was never authorised to work as substitute by the respondent No. 2 or respondent No. 3. No reliance can be placed on such documents. The respondents in CA have denied the claim of the applicant that he worked for such long time. In para 7 of the counter reply, it has been stated that the brother of the applicant Sri Amar Nath Tiwari was working as E.D.M.C/E.D.D.A at Kumbhauna Branch Post Office and on 03.04.1998 he was promoted to the post of Postman. In support of his contention, learned counsel for the applicant cited several judgments but they are not relevant in the present case.



5. In view of the facts and circumstances mentioned above, the applicant is not entitled for relief. The O.A is accordingly dismissed.

6. There will be no order as to costs.


Member- A.


Vice-Chairman.

/Anand/