

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1123 of 1998

Allahabad this the 15th day of October 1998

Hon'ble Mr. S. Dayal, Member (A)
Hon'ble Mr. S.K. Agrawal, Member (J)

Prem Shanker Dubey son of Sri Kanhaiya Lal Dubey,
resident of Village and Post Office Hariharpur,
Budauli, District Mirzapur.

Applicant

By Advocate Sri K. K. Misra

Versus

1. The Union of India through its Secretary, Department of Posts, Ministry of Communication, New Delhi.
2. The Superintendent of Post Offices, Mirzapur Division, Mirzapur.
3. The Director Of Postal Services, Allahabad Region, Allahabad.
4. The Assistant Superintendent of Post Offices, Mirzapur Division, Miraapur.

Respondents

By Advocate Sri P. Mathur.

ORDER

By Hon'ble Mr. S. Dayal, Member (A)

Sri K.K. Misra for the applicant. Sri Prashant Mathur for the respondents. Learned counsel for the applicant has mentioned that some order on 30.9.98 was passed against him which was not communicated

to him and that such order cannot be passed during the pendency of O.A. No. 02/96. The second contention of learned counsel for the applicant is that without serving a copy of the order, the charge was sought to be taken from him on 03.10.98 at 5.00 p.m. and he was threatening with lodging ^{of} F.I.R. if he did not hand over the charge.

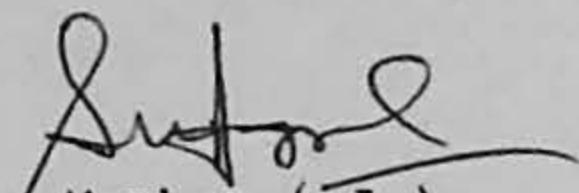
2. We had adjourned this case in order to see the status of O.A. 02/96. We find that in O.A. 02/96, the interim order which was for maintenance of status-quo, was not specifically extended because of the absence of the learned counsel for the applicant and ^{There was} no prayer for extension of interim order.

3. Learned counsel for the applicant has cited the judgment of Allahabad High Court in 'Sheo Nath Singh Yadav Vs. State of U.P. and Ors. A.L.R. 32' and mentions that the High Court has held that the stay order shall continue till it is modified or vacated by any subsequent order. The language used in order dated 31.5.96 amounts to vacation/modification of the order. Therefore, the ratio of this judgment does not apply to the facts of this case in O.A. 02/96.

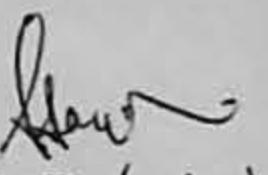
4. Learned counsel for the respondents has challenged the present O.A. on the grounds that the necessary parties have not been joined and that this O.A. is not maintainable as the reliefs claimed in the present O.A. are the same as in the earlier one. Hence the applicant may be barred from filing this O.A. We find that the relief claimed in the O.A. 02/96 is 'not

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to interfere in the functioning of the applicant as Extra Departmental Branch Post Master, Hariharpur, Bedauli, District Mirzapur. The relief claimed is, thus, in ^{essence} ~~association~~ with the same as claimed in the earlier O.A. The learned counsel for the applicant mentioned that this is being done because of uncommunicated order. Learned counsel for the applicant himself has admitted that there is an order dated 30.9.98 and he is well aware of that. Therefore, this O.A. is not maintainable and is dismissed accordingly.



Member (J)



Member (A)

/M.M./