

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

Dated: Allahabad, the 6th day of July, 2001.

Coram: Hon'ble Mr. S. Dayal, AM
Hon'ble Mr. Rafiq Uddin, JM

ORIGINAL APPLICATION NO.787 OF 2001

Sri Bhramha Nand, son of Sri Paltoo Prasad,
r/o village and Post Ekdengwa,
District Siddharth Nagar,
Posted as Postmaster in the Post Office
of H/249/Ekdengwa, District Siddharth Nagar.

.Applicant

Versus

1. Union of India, through its Secretary,
Telegraph and Communication Department,
New Delhi.
2. Chief Postmaster General, Lucknow.
3. Postmaster General Gorakhpur Region, Gorakhpur.
4. Superintendent, Post Offices, Basti Region, Basti.
5. The Sub-Divisional Inspector (Post Office)
Tetari Bazar Sub Division, Siddharth Nagar, U.P.
6. The Post Office Supervisor Tetari Bazar,
Sub-Division, Siddharth Nagar.
7. Durga Prasad Pandey, son of Sri Adalat Pandey,
r/o village and Post Ekdengwa,
District Siddharth Nagar.

.Respondents

Counsel for the applicant: Sri Jakhan Prasad.

Counsel for the respondents: Sri R. C. Joshi

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(ORAL)

(By Hon'ble Mr. S. Dayal, AM)

This application has been filed for setting aside the order dated 26.6.2001, by which one Sri Durga Prasad Pandey put off Branch Postmaster, Ekdengwa has been taken back into service. The learned counsel for the applicant has also sought orders for continuance of the applicant in service and payment of salary and other emoluments.

2. The brief facts of this case are that Sri Durga Prasad Pandey, who was the previous incumbent of the post of Extra Departmental Branch Postmaster, Ekdengwa was charge-sheeted in an offence u/s 489 B/120B I.P.C. and was prosecuted. He was imprisoned for about eight months before bail being granted to him. He was put off the duty on account of the said case. He has been taken back in service, although departmental proceedings/disciplinary proceedings/judicial proceedings have not been finalised against him.

3. We have heard the arguments of Sri Jakhan Prasad for the applicant at the time of admission.

4. We find that Sri Durga Prasad, previous and regular incumbent of the post of EDBPM, Ekdengwa, had been put off duty pending finalisation of disciplinary proceedings/judicial proceedings against him and the applicant was appointed till disciplinary proceedings against Sri Durga Prasad were completed and Sri Durga Prasad had exhausted the channels of appeal and petitions. The applicant was appointed on provisional basis till a decision was made not to take Sri Durga Prasad back into service and till a regular appointment was made. The respondents by virtue of the impugned order

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3.

had decided to take back Sri Durga Prasad, who was put off duty and the service of the applicant stood terminated on account of taking back Sri Durga Prasad Pandey. We find that the applicant does not have a better right to continue on the post of Extra Departmental Branch Postmaster at Ekdengwa and, therefore, the O.A. is dismissed as lacking in merits in limine.

5. There shall be no order as to costs.



(RAFIQ UDDIN)
JUDICIAL MEMBER



(S. DAYAL)
MEMBER (A)

Nath/