

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 15TH DAY OF APRIL, 2002

Original Application No. 810 of 2001

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Ashok Kumar Singh, a/a 33 years,
Son of Late Chandrabali Singh, resident
of Vill. & P.O. Sanwara (Rasra)
Distrt. Ballia.

... Applicant

(By Adv: Shri Avnish Tripathi)

Versus

1. Union of India through the Secretary, Ministry of Communication, Deptt. of Posts, New Delhi.
2. C.P.M.G, U.P. Lucknow.
3. Supdt. of Post offices, Ballia Division Ballia.
4. Assistant Supdt. Post Offices, Rasra Sub Division, Rasra, District Ballia.

... Respondents

(By Adv: Shri R.C.Joshi)

O R D E R (Oral)

JUSTICE R.R.K.TRIVEDI, V.C.

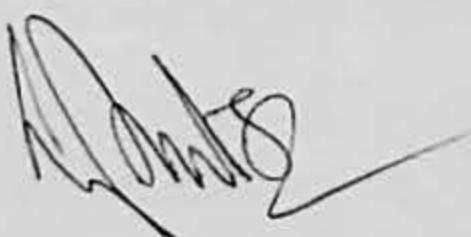
By this application u/s 19 of A.T. Act 1985 applicant approached this Tribunal against the order dated 20.6.01 by which his appointment as EDSPM was terminated.

The facts in hort, giving rise to this application are that father of the applicant late Chandrabali Singh was serving as EDSPM Sanwara, district Ballia. The applicant was given provisional appointment after the death of his father ~~as w.e.f.~~ 20.10.1994 vide order dated 21.12.1995 (Annexure 6) with the condition that it will be

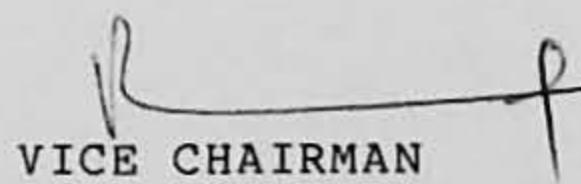


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subject to approval of Chief P.M.G., U.P. No approval was communicated though more than 5 years had passed. The Chief P.M.G directed to terminate the appointment of applicant. Consequently, impugned order was passed. Shri Tripathi has placed before us a copy of the order dated 23.1.2002 which shows that Circle Relaxation Committee has accepted the claim of the applicant and his appointment has been approved. Thus, the applicant is entitled to continue. The very basis of the order of termination has gone since the action against the applicant was taken only in absence of the approval of the Circle Relaxation Committee. As the rules have been relaxed, the impugned order has been rendered in operative. The applicant was continued to serve on the post vide interim order dated 11.7.01 which is still operating. In the circumstances, applicant shall continue to serve on the post and the impugned order shall not come in his way. The OA is disposed of finally, with no order as to costs.



MEMBER(A)



VICE CHAIRMAN

Dated: April 15th, 2002

Uv/