

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

....

Original Application No. 963 of 2001

this the 16th day of April 2002.

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, V.C.
HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER (A)

Gatendra Kumar Khare, S/o late Bhagwati Prasad Khare,
R/o Village & post Pandari Nastarka, District
Pratapgarh, presently residing at House No.4/IF,
Amar Nath Jha Marg, George Town, Allahabad.

Applicant.

By Advocate : Sri A. Tripathi.

Versus.

1. Union of India through the Secretary (Posts),
Ministry of Communication, Dak Bhawan, New Delhi.
2. Postmaster General, Allahabad Region, Allahabad.
3. Senior Supdt. of Post Offices, Pratapgarh Division,
Pratapgarh.
4. Sub-Divisional Inspector (Postal), Patti Sub-Division
Patti, Pratapgarh.

Respondents.

By Advocate : Sri R.C. Joshi.

ORDER (ORAL)

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

By this application under Section 19 of the
A.T. Act, 1985, the applicant has prayed for a
direction to the respondents to give him appointment
on any vacant post being a retrenched E.D. employee
in pursuance of the order dated 17.4.1997. By this
order, Sr. Supdt. of Post Offices, Pratapgarh Division
forwarded the application of the applicant claiming
appointment as a retrenched employee for sympathetic




consideration. The order does not ^{determine} ~~show~~ as to whether the applicant was a retrenched employee and was entitled for such appointment under rules, ^{by this order} ~~if~~ only his application was forwarded for consideration.

2. In the present case Counter reply has been filed resisting the claim of the applicant. It appears that the brother of the applicant namely Sri Satyendra Kumar Khare was already working as EDBPM Pandari, Nastarka District Pratapgarh. In para ¹¹ thereof, it has been stated that on the risk and responsibility of the brother of the applicant, he worked as substitute from 7.10.92 to 29.3.93 and from 6.4.93 to 4.10.93. Thus, the total working ^{period during} ~~days during~~ which the applicant had worked, was about 11 months. The learned counsel for the applicant has submitted that as the applicant was described as a retrenched employee by SSPO in his letter, he should be treated as retrenched employee. However, we do not find force in the submissions of the learned counsel for the applicant. The retrenched employee in E.D. (Conduct & Service) Rules 1964 is a technical term and has been used for such an employee, who worked for a certain ~~1~~ period on a particular post and then they are retrenched from the service. A list is to be prepared of the retrenched employees and they are considered for appointment according to their turn within a period of one year. The applicant has not asserted any-where in the O.A. that his name was ever included in the list of retrenched employees. As far as the rule position is concerned, ^{it provides that} ~~that~~ when an employee works for three years continuously then only he will acquire ^{such} ~~temporary~~ status and thereafter he may be called as a retrenched employee. As the working ^{period} ~~days~~ of the applicant is less than three years, in our opinion, the

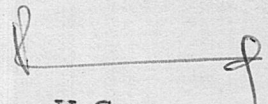
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applicant is not entitled for any relief.

3. At the initial stage when this O.A. was entertained on perusal of the order dated 17.4.1997, we gave a direction to the respondents to appoint the applicant on the basis of the order dated 17.4.1997 or to show-cause. An application has been filed on 6.2.2002 alongwith the affidavit wherein it has been stated that in pursuance of the order dated 13.8.2001, the order of appointment has been issued in favour of the applicant on 17.10.2001 on the post of G.D.S. Runner Bela Rampur B.O., where he joined on 18.10.2001. Since we have decided the case on merit, we do not find that the applicant is entitled for any relief, ^{the} ~~The~~ applicant will not be entitled to get any benefit ^{given} ~~accrued~~ to him on the basis of the interim orders. It shall be open for the respondents to take a decision against the applicant in accordance with the rules. The O.A. stands disposed of as above, without any order as to costs.


MEMBER (A)

GIRISH/-


V.C.