

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH : ALLAHABAD

Original Application No.19 of 2004.

Friday, this the 16th day of January, 2004.

Hon'ble Maj. Gen. K.K.Srivastava, A.M.
Hon'ble Mr. A.K. Bhatnagar, J.M.

Arun Katiyar,
S/o Late Shri Rameshwar Dayal,
Gram + Post - Mirgaon - Sikandra
District - Kanpur Dehat Pin 209125.

....Applicant.

(By Advocate : Shri Anant Vijai)

Versus

1. Union of India,
through Secretary,
Ministry of Communication,
depot of Post, New Delhi.
2. The Chief Post Master General,
U.P. Circle, Lucknow.
3. Post Master General,
Kanpur Resion,
U.P. Division,
Kanpur.
4. Superintendent of Post Offices,
Kanpur (M) District - Kanpur.
5. Sub- Divisional Inspector,
Postal Sub-Division Rura,
Kanpur (M).

....Respondents.

(By Advocate : Shri R.C. Joshi)

O R D E R

By Hon'ble Maj. Gen. K.K.Srivastava, A.M. :

Through this O.A., the applicant has sought for direction
to the respondents to consider the applicant for an alternative

.....2.



appointment to the post of E.D.B.P.M. against any other three vacant posts at Meeragaon, Gariya and Shekhopur.

2. The grievance of the applicant is that inspite of fact that he worked as E.D.B.P.M. Manpur for 03 years 02 months 20 days, he has been removed from service and is not being given any alternative ^{in appointment} arrangement. He made several representations to respondent No.4 and also to respondent No.3, but his representations have not been decided so far.

3. By order dated 18.2.2000 (Annexure-A-1) Shri Ramesh Babu, E.D.B.P.M., Manpur was put off and the applicant was engaged as E.D.B.P.M. He worked to the entire satisfaction of the authorities and there has been no complaint whatsoever. The learned counsel argued that the applicant having worked for more than three years, is entitled for an alternative appointment of EDA. However, by not offering any alternative appointment to the applicant the respondents are acting against the rules.

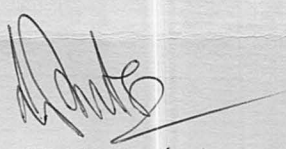
4. Learned counsel for the respondents, resisting the claim of the applicant, submitted that the appointment of the applicant was purely provisional and once the regular EDBPM was put back on duty, the applicant could not be continued on the post. In case of provisional appointment no rights accrued to the applicant.

5. From the perusal of the record, we are of the view that the respondents ought to have decided the representation of the applicant which has not been done. In our opinion, the interest of justice shall better be served if suitable directions are issued to respondent No.3 to decide the representation of the applicant dated 17.7.2003 (Annexure-A-5 page-26) by a detailed and reasoned order within a specified time.

6. In the facts and circumstances, the O.A. is disposed of at the admission stage itself with a direction to the respondent No.3 to decide the representation of the applicant dated 17.7.2003 by a reasoned and speaking order within a period of three months from the date of receipt of the copy of the order.

7. There shall be no order as to costs.


MEMBER (J)


MEMBER (A)

RKM /