

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.194 OF 2004

ALLAHABAD THIS THE 16<sup>TH</sup> DAY OF JULY 2008

HON'BLE MR. N. D. DAYAL, MEMBER-A  
HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J

Manoj Swaroop Sharma, Son of Shri Anand Swaroop Sharma, Resident of Village & Post Rampur, Manpur via Karora, District-Bulandshahr.

..... .Applicant

By Advocate : Sri A. Tripathi

Versus

1. Union of India through its Secretary, Ministry of Communication, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. Superintendent of Post Offices, Bulandshahr, Division Bulandshahr.
3. Assistant Superintendent of Post Offices, Khurja Division, Khurza.
4. Prem Pal Singh, G.D.S. Mailpeon/Delivery Agent, Meerpur Kaya, District-Bulandshahr.

..... .Respondents.

By Advocate : Shri R.K. Srivastava

O R D E R

HON'BLE MR. N. D. DAYAL, MEMBER-A

Learned counsel for the applicant has brought to notice that the applicant is seeking a direction to the respondents to allow the applicant to work on the post of GDS MP/DA Gwaroli in which post he was appointed and has been continuing.

2. It has been explained that the applicant was appointed to work at Gwaroli by order dated 22.04.2003 at Annexure A-4. This order shows that he was

provisionally appointed in place of Shri Prem Pal Singh. Shri Prem Pal Singh was transferred as GDS, Meerpur because the earlier incumbent of that post whose name was also Prem Pal Singh had been dismissed. The appointment of Shri Prem Pal Singh as GDS Meerpur was made by the letter at RA-1 at page 21 of the rejoinder which is dated 01.02.2003 and interalia states that Shri Prem Pal Singh has been transferred to that post to work provisionally and may be returned back to GDS Gwaroli, in case the dismissed employee were to come back on the post by means of any further decision of court/department etc. It has also informed by learned counsel for the applicant that Shri Prem Pal Singh, GDS Meerpur who was transferred from Gwaroli and in whose place the applicant had been working has filed an OA in the Principal Bench that was OA No.2161/04. It has further been submitted that the prayer is understood to be ~~for~~ <sup>7</sup> continuance at Meerpur. Even if he may have come to Gwaroli in December 2003 evidently he is interested in being at Meerpur. It is not disputed that the applicant is continuing to work as GDS Gwaroli even today.

3. The applicant is before us because it is alleged that the authorities have asked him to relinquish charge of GDS Gwaroli verbally. Our attention has not been drawn to any document which might be taken written communication asking the applicant to hand over charge of the post. We, therefore, find that if the appointment of the applicant is provisional he

could not be replaced by any provisional appointee. At the same time, in case, Prem Pal Singh GDS Meerpur succeeds in the OA at Principal Bench he would not be come back to GDS Gwaroli. In any case for the present their does not appear to be any ground which we could appreciate from the submission made before us on the basis of which the applicant must relinquish ~~of~~ the charge <sup>of</sup> to the post which he is holding at present.

4. The OA is allowed and the respondents are directed to allow the applicant to work on the said post of GDS MP/DA Gwaroli and pay him the regular allowances monthly and to continue him on the post in accordance with law. No Costs.



Member-J



Member-A

/ns/