

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD.

Original Application No. 466 of 2004.

Allahabad this the 10th day of May 2004.

Hon'ble Mr. Justice S.R. Singh, V.C.
Hon'ble Mr. D.R. Tiwari, A.M.

Janardan Prasad
aged about 46 years
S/o Late Shri Param Hans Ram,
Resident of Village & Post Hariha Kalan,
District Ballia.

.....Applicant.

(By Advocate : Sri Rakesh Verma)

Versus.

1. Union of India
through the Secretary,
Ministry of Communication
(Department of Post),
South Block, New Delhi.
2. The Post Master General,
Gorakhpur Region, Gorakhpur.
PIN Code : 273008.
3. The Superintendent of Post,
Offices, Ballia Division,
Ballia- 277 001.

.....Respondents.

(By Advocate : Sri R.C. Joshi)

O_R_D_E_R.

(By Hon'ble Mr. Justice S.R. Singh, V.C.)

Heard Sri Rakesh Verma, learned counsel for the
applicant and Sri R.C. Joshi learned counsel for the
respondents.

2. The applicant herein has prayed for issuance of a
writ, order or direction in the nature of certiorari quashing
the order dated 04.03.2004 whereby the applicant's claim for
adjustment/appointment as retrenched employee has been
rejected. The relief is coupled with a direction to the
respondents to give him an alternative appointment treating
him as retrenched employee of the department.

Rej

3. The facts giving rise to this O.A., as stated briefly are that on occurrence of the vacancy of E.D.B.P.M; names, including that of applicant, were sponsored by the Employment Exchange pursuant to the advertisement dated 12.10.1997. The applicant was appointed as Extra Departmental Branch Post Master at Hariha Kalan, District Ballia. The appointment of the applicant was, however, set aside by the Tribunal vide order dated 16.04.2002 in O.A. No.197/98. The Tribunal found that the appointment of the applicant was illegal and accordingly set aside the appointment of the applicant and directed the Competent Authority to appoint Sri Subh Narain Misra, the applicant of O.A. No. 197/98. Review application in the said O.A. came to be dismissed on 20.08.2002. Consequently Sri Subh Narain Misra came to be appointed vide order dated 06.10.2003. The applicant, however, moved a representation staking his claim for appointment as retrenched employee. By impugned order dated 04.03.2004, the Superintendent of Post Offices, Ballia has held that in the fact situation of the case the applicant cannot be said to be a retrenched employee in as much as he was not rendered surplus instead his appointment was set aside by the Tribunal. In our view no exception can be taken to the order impugned herein.

4. Sri R. Verma learned counsel for the applicant, however, submitted that the applicant was entitled to be given an alternative appointment in view of the circular letter No.43-4/77-Pen, dated 18.05.1979, circular letter No. 19-34/99-ED-Training, dated 20.12.1999 read with Circular letter No.43-312/78-Pen, dated 20.01.1979 issued by the Director General of Post and Telegraph, New Delhi referred to paragraphs No.4(iv) and (4(ix). None of these circulars has been brought on record. However, it has been submitted by Sri R. Verma that the services of the applicant was discharged on administrative ground.

DRG

5. The present case is not a case of discharge from the service on administrative ground. Rather the appointment of the applicant was found to be illegal and accordingly set aside by the Tribunal and applicant is not entitled to be treated as retrenched employee and therefore, is not entitled to the benefits of the circulars referred to in paragraph No.4 (ix) of the O.A.

6. We find no merit in this O.A., the same is accordingly dismissed at the admission stage itself.

No costs.

W.M.
Member-A.

Regd
Vice-Chairman.

Manish/-