

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 10th day of May, 2004.

Original Application No. 486 of 2004.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.
Hon'ble Mr. D.R. Tiwari, Member- A.

Jamuna Prasad Sachan a/a 50 years
S/o Late Ramai Prasad
R/o Vill. and P.O. Daheli,
Distt. Kanpur Nagar (Dehat).

.....Applicant

Counsel for the applicant :- Sri K.N. Yadav

V E R S U S

1. Union of India through M/o Post , New Delhi.
2. Director, Postal Services, Kanpur.
3. Superintendent of Post Offices, Kanpur Nagar.
4. Sub Divisional Inspector, Western Division,
Kanpur Nagar.
5. Shyam Bihari Sachan S/o Late Mutka Prasad
R/o Vill. and Post- Daheli, Distt. Kanpur Nagar.

.....Respondents

Counsel for the respondents :- Sri R.C. Joshi

O R D E R

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

The applicant was provisionally appointed as E.D.B.P.M,
Daheli, Distt. Kanpur Nagar in place of Sri Shyam Behari
Sachan who was put off duty pending finalisation of disciplinary
proceedings/judicial proceedings against him. It appears that
the disciplinary proceedings terminated in favour of Sri
Shyam Behari Sachan and, therefore, in terms of appointment
order itself the provisional appointment of the applicant
came to be terminated. The charge of the post office was

RJ

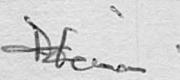
handed-over by the applicant to Sri Shyam Behari Sachan on 30.04.2004 (Annexure- 6 to the O.A.). Learned counsel for the applicant has, however, submitted that the applicant was not afforded any opportunity to show-cause. We are of the view that the applicant was not entitled for opportunity of showing cause in view of the conditions stipulated in the appointment order itself wherein it has been clearly stated that the appointment of the applicant was provisional in place of Sri S.B. Sachan who was put off duty and that the S.S.P.O, Kanpur (M), Kanpur reserved the right to terminate the provisional appointment at any time without notice and without showing any reason before the period mentioned in paragraph 2 of the appointment order. In the circumstances, therefore, we find no ground in the submission that the applicant is entitled for appointment as E.D.B.P.M.

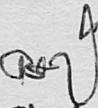
2. Learned counsel for the applicant then submitted that the applicant is entitled to alternative appointment since he has worked on the post for more than 24 years. We find substance in the submission made by the counsel. In D.G., P&T letter No. 43-4/77-Pen., dated 18.05.1979 and Cir. No. 19-34/99-ED &Trg; dated 30.12.1999 it has been clearly stated that efforts should be made to give alternative employment to ED Agent who are appointed provisionally and subsequently discharged from service due to administrative reasons, if at the time of discharge they had put in not less than three years' continuous approved service and for that purpose the names of such provisional appointees should be included in the waiting list of ED Agents discharged from service as provided in D.G., P&T letter No. 43-4/77-Pen dated 23.02.1979 sub clause (2) of instruction (15) in Swamy's Compilation of Service Rules for Postal ED Staff pertaining to the method of recruitment of ED Agents.

167

::3::

3. In the circumstances, therefore, we dispose of the O.A at the admission hearing stage itself with direction to the applicant to file a representation seeking alternative appointment to the SSPO, Kanpur who shall consider and decide the same in accordance with rules within a period of two months from the date of receipt of a copy of this order. No costs.


Member- A.


Vice-Chairman.

/Anand/