

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Original Application No.491 of 2004

Thursday, this the 13th day of May, 2004.

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

Anand Kumar Tripathi,
aged about 24 years,
son of Late Ram Ajore Tripathi,
Resident of Village & Post -
Saltauwa, District - Basti.

.....Applicant.

(By Advocate : Shri R. Trivedi)

Versus

1. Union of India,
through Secretary,
Ministry of Post and
Communication, New Delhi.
2. Post Master General,
Gorakhpur Region,
Gorakhpur.
3. Superintendent Post Offices,
Basti Division, Basti.
4. Sub Divisional Inspector of
Post Offices Dumariyaganj,
Sidharth Nagar.

.....Respondents.

(By Advocate : Shri R.C. Joshi)

ORDER

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

In this QA, filed under Section 19 of A.T. Act, 1985,
the applicant has prayed for direction to respondents not to
terminate the services of the applicant and also direction
to respondents to regularise the services of the applicant.

2. The facts, in short, are that the applicant was appointed as EDMP at Post Office, Saltauwa on 30.03.2001. The applicant worked on the post ^{from} 4.4.2001 to 5.6.2001 and thereafter the applicant worked as G.D.S. Belhera from 6.6.2001 to 30.5.2003. The applicant thereafter is working on the post of GDS, Chaukwa w.e.f. 2.6.2003 till date. The above fact stands admitted by the letter of respondent No.4 dated 21.8.2003 (Annexure-A-5). In between, the respondent No.4 terminated the service of the applicant on 8.9.2003 and the order of respondent No.4 dated 8.9.2003 was challenged by filing OA No.1083/03. The O.A. was allowed by order dated 11.9.2003 (Annexure-7). The applicant in pursuance to the order of this Tribunal dated 11.9.2003 ^{join and} was permitted to work and he is still continuing in the post. The applicant moved a representation on 19.4.2004 ^(Annexure-9) before respondent No.2 i.e. Post Master General, Gorakhpur. The same still remains undecided, hence this OA.

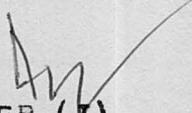
3. Learned counsel for the respondents sought time to file counter in this regard. However, on perusal of record, we find that in this case there is no requirement of calling for any counter as the same can be decided at the admission stage itself.

4. The applicant filed a representation before respondent No.2 on 19.4.2004. The respondent No.2 by order dated 21.4.2004 ^(Annexure-10) has called for comments of respondent No.3 on the representation of the applicant dated 19.4.2004. So far, it is alleged by the applicant's counsel that, respondent No.3 has not forwarded his comments.

....3.

5. In view of the above, we are of the view that the interest of justice shall be served by issuing suitable direction to the respondents. We therefore direct respondent No.3 i.e. Superintendent Post Offices, Basti Division, Basti to forward detailed report and Parawise comments alongwith brief history of the case to respondent No.2 positively within one month. We further direct respondent No.2 to decide the representation of the applicant dated 19.4.2004 by a reasoned and speaking order within a period of two months from the date ^{by} of detailed report and Parawise comments alongwith the brief history of the case ^{are received} on receipt by him from respondent No.3. We further provide that the respondent No.4 shall be restrained by respondent No.2 to initiate any action for regular appointment till the representation of the applicant dated 19.4.2004 is finally disposed of by respondent No.2.

6. There shall be no order as to costs.


MEMBER (J)


MEMBER (A)

RKM/