

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD

Original Application No.793 of 2004.

Allahabad this the 17th day of December 2004.

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

Vivek Kumar Mishra

S/o Shri Ram Narayan Mishra

presently posted as Branch Post Master,

Bedauli Branch, Bharatganj, Allahabad.

.....Applicant.

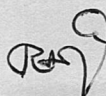
(By Advocate : Sri A.K. Gaur)

Versus.

1. Union of India
through Secretary
Department of Post & Telecommunications,
Dak Bhawan, New Delhi.
2. Post Master General
Allahabad Region,
Allahabad.
3. Superintendent of Sub Post Officer,
Allahabad.
4. Asstt. Director Office of Post Master General,
Allahabad.

.....Respondents.

(By Advocate : Sri Saumitra Singh/
Sri Ashish Srivastava)



O R D E R

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

1. Heard Sri A.K. Gaur learned counsel for the applicant and Sri S.K. Pandey holding brief of Sri Saumitra Singh learned counsel for the respondents including Sri Ashish Srivastava who has moved impleadment application in the instant O.A.

2. The Instant O.A. has been instituted against the show cause notice dated 20.07.2003^{* 2004} whereby the applicant has been called upon to furnish his representation in respect of his appointment as G.D.S B.P.M which according to the impugned show cause was made by an officer who had no jurisdiction and was otherwise an irregular^{appointment}. It appears that one Sri Samsuddin instituted the O.A. No.324 of 2004 for ^{under} issuance of a direction to the Postal Authorities to appoint him ^{under} physically handicapped quota. The said O.A. was disposed of finally by order ~~dated~~ dated 31.03.2004 with a direction to the Director Postal Services, Allahabad and respondent No.2 to look into the aspect of irregularity, if any, in issuing the notification which ^{was} ~~shall~~ subject matter of challenged in the said O.A. and in the meantime, it was provided by the Tribunal, ⁱⁿ that the 3rd respondent namely The Senior Superintendent of Post Offices, Allahabad would not make any appointment on the post ^{that is to say} ~~that~~ during the pendency of the representation^{* 06}. The appointment of applicant was made on 30.05.2004 i.e. after the decision of O.A. 324/04 whereby the Senior Superintendent of Post Offices was restrained from making any appointment till the representation was decided.

3. In the facts situation of the case, we are not persuaded to go into the merit of the rival contention. In our opinion, the applicant has every opportunity to raise his pleas before the Competent Authority who ^{has} ~~was~~ issued the notice and who will go into all the questions that ^{may be} ~~was~~ raised by the applicant in his representation.

* Connected vide
Order dated 13-1-05
passed on MA 161/05.

AM 13/1

VC 13/1

* Connected vide
Order dated 13-1-05
passed on MA 161/05

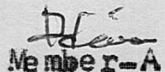
AM 13/1

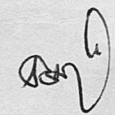
VC 13/1

VC

4 Accordingly, the O.A. is disposed of with a direction that the applicant files representation against impugned show cause notice dated 20.07.2003^{* 2004} within a period of ~~15 days~~ ^{3 weeks} from today. The competent Authority shall take into appropriate decision in the matter in accordance with law after taking into consideration the objection that may be filed in response to the impugned order as early as possible within a period of two months from the date of receipt of a copy of the order.


No costs.

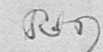

Member-A


Vice-Chairman.

Manish/-

X Corrected Vide
Order dated 13-1-05
passed on MA 16/05.


13/1
A.M


VC

13/1