

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH,
ALLAHABAD.**

ORIGINAL APPLICATION NO. 316 OF 2005

THIS THE 08th DAY OF February, 2005

HON'BLE MR. D.R. TIWARI, MEMBER-A
HON'BLE MR. K.B.S. RAJAN, MEMBER-J

Dilip Kumar Pandey, aged about 35 years, S/o Sri Ram
Pratap Pandey, near State Bank Captainganj, Basti,
District Basti

Applicant

By Advocate : Sri A.K. Dave

Versus.

1. Union of India through the Secretary (Posts)
Department of posts, Ministry of
Communication, Dak Bhawan, Sansad Marg, New
Delhi.
2. Superintendent of Post Office, Basti.
3. Assistant Superintendent, Post Office, East
Sub Division, Basti.

Respondents

By Advocate : Sri S. Srivastava

ORDER

BY K.B.S. RAJAN, MEMBER-J

The law point involved in this case is the same
as the one in the case of Ram Kumar Tripathi (O.A.
no. 1118 of 2204) decided on 29.9.2005. In fact,
earlier the said Ram Kumar Tripathi and the
applicant in this O.A filed a joint O.A. no. 1056 of
2003, which was disposed of on 25.5.2004 with the
direction to the respondents to dispose of the
representation and till then they will not be
dislodged from their respective posts (Annexure A-7)

to the O.A. refers). The respondents have rejected the representation by two different orders one in the case of the applicant, herein, and the other in the case of Ram Kumar Tripathi and that is how two different O.As (O.A. 1118 of 2004 and the present O.A) came to be filed. In the case of Ram Kumar Tripathi, it has been held that order dated 14.8.2003 whereby Gramin Dak Sewak Post be not filled up in any office that is two handed or more would have only prospective effect and that since the applicant, therein, has been continuously functioning from 1998, the said order would not apply in his case and the O.A. was allowed. In the instant case also, the applicant has been in service since 8.7.1979 and thereafter, as such the order dated 14.8.2003 on the basis of which the respondents have sought to dislodge the applicant ^{from 5th C.A. Home,} vide the impugned order dated 28.2.2005 cannot stand legal scrutiny. The O.A. is therefore, allowed. The order dated 28.2.2005 is quashed and set aside. The respondents are directed not to disturb the applicant from the post of ^{GDS(MD), SAMETA K} ~~EDBP~~ at Bakshipur on the ground of the provisions of order dated 14.8.2003. costs easy.


MEMBER-J


MEMBER-A

GIRISH/-