

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHAABAD BENCH,
ALLAHAABAD.**

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

By Advocate : Sri A.K. Dave Applicant

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

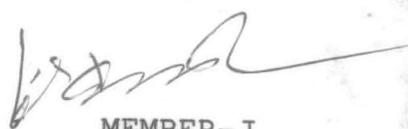
By Advocate : Sri S. Srivastava

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 8.7.1999 and thereafter, as such the order dated 14.8.2003 on the basis of which the respondents have sought to dislodge the applicant ^{foras 5th C.A. Hence,} 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 ^{GDS(M.D. SAMARTR K.} applicant from the post of EDBPM at Bakshipur on the ground of the provisions of order dated 14.8.2003. costs easy.


Girish Jaiswal

MEMBER-J


Member A

MEMBER-A

GIRISH/-