

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
BENCH ALLAHABAD

(THIS THE 18th DAY OF November 2009)

Hon'ble Mr. A.K. Gaur, Member (J)
Hon'ble Mr. D.C. Lakha Member (A)

Original Application No.649 of 2005

(U/S 19, Administrative Tribunal Act, 1985)

Smt. Asha Devi, aged about 47 years, widow of Late Shri Krishna Kant Mishra, resident of Village and Post Dari, Meja, District-Allahabad.

..... *Applicant*

Versus

1. Union of India, through Secretary, Ministry of Communication, South Block, New Delhi.
2. The Senior Superintendent of Post Offices, Allahabad Division, Allahabad.
3. The Sub-Divisional Inspector (P), Meja Sub-Division, Allahabad.
4. Shri Chandra Shekhar Chaturvedi, Presently working as E.D.D.A., Branch Post Office Bhatauti (in Account Office Meja) District Allahabad.

..... *Respondents*

Present for Applicant : Shri Rakesh Verma
Shri N.K. Singh

Present for Respondents : Shri R.K. Srivastava

ORDER

(Delivered by Hon'ble Mr. A.K. Gaur, J.M.)

We have heard Sri Rakesh Verma, learned counsel for the applicant and Sri Dharmendra Tiwari, holding brief of Sri R.K. Srivastava, learned counsel for the respondents.

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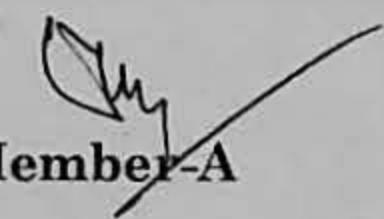
2. Learned counsel for the applicant submitted that for extraneous consideration the impugned order dated 11.05.2005 directing the respondent no.3 to get the charge from the applicant, deputing respondent no.4 to look after the work of the Post of Branch Post Master Bhatauti District Allahabad, the post on which the applicant has been working. It is also argued that the applicant is being sought to be replaced by the respondent no.4, who is having the same status. The action of respondent no.2 is illegal, arbitrary and without jurisdiction.

3. Learned counsel for the respondents has filed Counter Affidavit and Supplementary Counter Affidavit. In the Counter Affidavit it is clearly stated that the Director General (Posts) vide its order dated 21.10.2002 has clearly directed that no substitute should be allowed beyond 90 days. The local arrangement made in favour of the applicant was therefore terminated and she was directed to report to his parent post i.e. GDS BPM, Dari (Meja) Allahabad. There are large numbers of complaint against the applicant in the Office of the respondents that the applicant never opened the Bhatauti B.O. since the date she was taken over the charge. Respondents also indicated that the applicant is performing the work of Bhatauti B.O. from Dari Post Office. The applicant has been working as regular GDS BPM of Dari B.O. and as such she should not be to much interested for the charge of Bhatauti B.O. As she was directed to look after the work of Bhatauti Branch

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Office for some time and as such she could be replaced at any time by the Competent Authority, she has no right to hold the post.

4. Having heard parties counsel, we are firmly of the view that the applicant has utterly failed to make out any case warranting interference in the OA. The applicant could not indicate any ground showing the violation of any GDS Rule or Regulation in the mater. Accordingly, O.A. is misconceived and deserved to be dismissed with no order as to costs.



Member-A



Member-J

//Sushil//