

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD

(This the **09th** Day of **August**, 2021)

Hon'ble Mrs. Justice Vijay Lakshmi, Member (Judicial)
Hon'ble Mr. Tarun Shridhar, Member (Administrative)

Original Application No.330/00310/2021

Chandra Prakash Tripathi S/o Late Paras Nath Tripathi Age 47 years R/o Village & Post Labanapur.

..... **Applicant**

By Advocate: **Shri Amrendra Kumar Srivastava**

Versus

1. The Union of India, through Post Master General, U.P., Circle Lucknow.
2. Post Master General, Gorakhpur Region, Gorakhpur.
3. Superintendents of Post Offices, Basti Division Basti.

..... **Respondents**

By Advocate: **Shri Chakrapani Vatsyayan**

O R D E R

Delivered by Hon'ble Mr. Tarun Shridhar, Member (A)

We have heard Shri Amrendra Kumar Srivastava, learned counsel for the applicant and Shri Chakrapani Vatsyayan, learned counsel for the respondents. Perused the record.

2. The applicant seeks direction to the respondents to consider the application for engagement as GDS. However, we do not have any formal application to this effect on record. Learned counsel for the applicant states that pursuant to a notification issued by the respondents which is at Page 11 to 13 of the OA., the applicant has applied for the post but the respondents are neither furnishing any reply nor giving any indication that they are likely to consider his application.

3. Learned counsel for the respondents informs and also draws the attention to Para-4.5 to 4.7 of the OA which indicate that earlier the applicant had been working as GDS but that appointment was held to be against the law by this Tribunal and order of the Tribunal was upheld by the Hon'ble High Court.

4. Learned counsel for the applicant argues that at this stage, he will be satisfied if his representation dated 05.05.2020 which is a request for appointment as GDS, Purani Basti is disposed of by the respondents. However, we find that this application deals with his status from the year 2002 onwards when he was GDS and for which he was later removed and his removal was upheld by the Tribunal and Hon'ble High Court vide its order dated 19.01.2018 on account of illegality in the appointment. The applicant has submitted his representation on 05.05.2020 i.e. after two years of the order passed by the Hon'ble High Court. As the order of Hon'ble High Court has attained finality, we cannot give any further direction to the respondents to consider the candidature of the applicant contrary to the order of Hon'ble High Court.

5. In view of the discussion made above, the OA is liable to be dismissed at the admission stage and is accordingly, dismissed.

6. There shall be no order as to costs.

(Tarun Shridhar)
Member (A)

(Justice Vijay Lakshmi)
Member (J)

Sushil