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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

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Original Application No. 423 of 1988

Onkar Singh and others Applicants

Versus

Sr. Supdt. of post Office Faizabad
Division, Faizabad.

. Respondents.

Hon'ble Mr. D.K. Agrawal, Member (Judicial)

Hon'ble Mr. K. Obayya, Member (Administrative)

(By Hon'ble Mr. D.K. Agrawal, J.M.)

This application under section 19 of the Administrative Tribunal Act, 1985 has been filed, on being aggrieved by the retrenchment order. However, as a result of subsequent development the posts which were abolished have been sanctioned. The facts are that 22 persons were retrenched. Subsequently 22 posts have been sanctioned. 17 persons who did not agitate the matter in court have already been given appointments. The department is willing to take back the petitioners in service as they have done in the case of other 17 persons. The only hitch, as stated by the learned counsel for the opposite parties, was that under section 19 (4), no action could be taken-up except with the permission of the Court or till the conclusion of the proceedings. The bar under section 19(4), does not apply when the grievance of the applicant or applicants is proposed to be remedied completely. However, without going into a debate over this matter, since the department is willing to take back the applicants on the same terms and condition as it has been done in the case of 17 other employees, we hereby allow this petition.

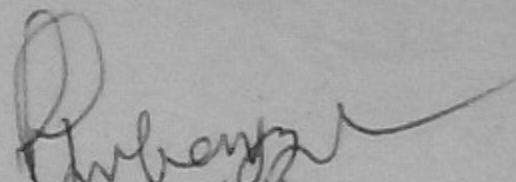
SK Agrawal

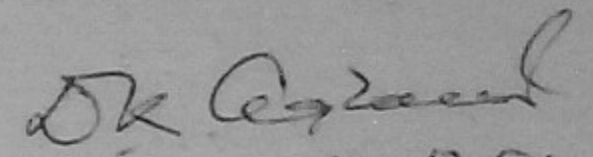
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2. The respondents may take back the applicant in service as agreed to by them on the same terms as in the case of 17 other retrenched employees. The petition stands disposed off accordingly without any order as to cost.


Member (A)


12.12.91
Member (J)

Allahabad 12th December, 1991.

(RKA)