

(7) OPEN COURT (5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
ADDITIONAL BENCH AT ALLAHABAD

* * * * *

Allahabad : Dated this 6th day of August, 1996

Original Application No.132 of 1990

District : Pilibhit

CORAM:-

Hon'ble Mr. Justice B.C. Saksena, V.C.

Hon'ble Mr. S. Das Gupta, A.M.

Amar Singh Son of Sri Kanchan Lal
Resident of Village Pandri Post Office-Pandri,
Pargana Teh and Distt-Pilibhit.

(By Sri P.K. Singhal, Advocate)

..... Petitioner

versus

1. The Union of India through the
Post Master General Uttar Pradesh,
Lucknow.

2. The Senior Superintendent of Post Officers,
Nainital Division, District-Nainital.

3. The Assistant Superintendent of Post Offices
Sub Division, Pilibhit, District-Pilibhit.

(By S.C. Tripath, & Sri N.B. Singh, Advocates)

..... Respondents

O R D E R (O_r_a_1)

By Hon'ble Mr. Justice B.C. Saksena, V.C.

Through this OA filed under Section 19 of the
Administrative Tribunals Act, 1985, the applicant seeks
quashing of the order dated 25.1.1989 and 13-9-1989 and
directing the respondents to appoint the applicant on
the post of Post Master and pay him arrears of salary etc.
from 13-9-1989. By impugned order dated 25-1-1989 his
appointment as EDBPM was cancelled.

2. In the counter affidavit it has been indicated
that the said order was passed since the applicant

1/ B.C.

had not submitted proper income certificate. Two certificates had been submitted by the applicant. There was a contradiction in the said certificates issued by the Tehsildar Pilibhit. Certain correspondence took place between the authorities and the District Magistrate, Pilibhit is stated to have informed that the income certificate issued on 5-9-1988 by Tehsildar Pilibhit was wrong and it has wrongly been issued and the same may be treated as cancelled. Since the income tax certificate dated 5-9-1988 has been treated as cancelled, the appointment of the applicant was also rendered invalid and, therefore was cancelled. In the counter affidavit it has further been indicated that the applicant was not given any charge of the office of the E.D.B.P.M.

3. No rejoinder affidavit has been filed to ~~to~~ meet the ~~necessary~~ averments made in the counter affidavit. The learned counsel for the respondents has also produced before us a copy of the order dated 25-1-1989 by which the appointment of the applicant had been cancelled. In view of the averments in the counter affidavit, we are not persuaded to hold that any case for interference with the order has been made out. The OA is accordingly dismissed. The parties shall bear their own costs.

Member (A)

Vice Chairman

Dube/