

THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD

Original Application No. 1472 of 1992

P K Tripathi .. applicant

VERSUS

Union of India and others .. respondents

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HON'BLE MR MAHARAJDIN MEMBER-J
HON'BLE MR V K SETH MEMBER-A

(By Hon'ble Mr. Maharajdin, Member-J)

This is an application under Section 19 of the
Administrative Tribunal Act 1985 seeking the relief to
set aside the impugned order of punishment by which the
appointment of the applicant as Extra-Departmental Delivery
Agent - cum - Mail Carrier has been cancelled.

The applicant was appointed as E D D A- cum -
Mail Carrier (E D M C) at Misraulia (Annexure A-2). The

applicant assumed charge on the post on 13.06.91 and worked
on this post for a period of five months. It is stated
that all of sudden, appointment of the applicant has been
cancelled. The applicant, therefore, has come up before
this tribunal for redress.

(Signature)

The respondents have filed Counter Reply and resisted the claim of the applicant.

It is stated that the post of Extra-Departmental Branch Post Master and E D D A cum E D M C were sanctioned for establishment of Mishraulia Branch Office upon which candidates were called for making appointment from the District Employment Office, Basti for filling up the aforesaid post. The District Employment Exchange Basti submitted a list of five candidates for the post of E D D A cum - E D M C. The applications of all the five applicants were received after last date fixed as 22.04.91. In the meantime the application of the applicant was received directly and the S D I appointed the applicant on the said post and the applicant joined his duties on 13.06.91. It is stated that since the irregularity was found in making appointment of the applicant, therefore, his appointment has been cancelled.

It has been contended on behalf of the applicant that the cancellation of the appointment of the applicant has been done under the provisions of Rule 6 of E D A(C & S)

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Rules 1964 against which no appeal is provided. The applicant submitted representation to Post Master General Gorakhpur on 18 12 1991 (Annexure A-3). The representation remained unattended for the last ten months, hence the applicant has come up before this Tribunal. We feel that the department should be given an opportunity to give it final verdict by adjudicating the plea raised by the applicant in his representation.

Thus the application is disposed off with the direction to the Post Master General Gorakhpur to decide the representation of the applicant dated 18 12 91 within a period of one months from the date of communication to this order. The applicant shall, however, be at liberty to file fresh application before this Tribunal if he is aggrieved by the order passed on his representation.

W. S.
MEMBER-A

Chowdhury
27.4.93
MEMBER-J

Dated: Allahabad: April 27th, 1993.

(VKS)
