

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Original Application No. 1747 of 1992

Moti Lal Applicants.
Versus
Union of India & ors. Respondents.

Hon'ble Mr. Justice R.K. Varma, V.C.

Hon'ble Miss Usha Sen, A.M.

The petitioner was appointed as E.D. Telegraph Messenger at Khalilabad by an order of Post Master Khalilabad dated 31.3.1976. The post of E.D. Telegraph Messenger Khalilabad Post Office was abolished vide letter A-46/Khalilabad CH II dated 5.5.1991 as such the petitioner was relieved on 6.6.1991. Vide SRL Khalilabad memo No. 8/Motilal. It was promised in the memo that the petitioner would be given alternative appointment against existing vacancy.

2. The petitioner has filed this petition claiming the following reliefs in substance:

1. That the petitioner be treated as a permanent employee under the department of Post and Telegraph as he had put in 16 years of continuous service.

2. That the order of termination or dropping the petitioner from his post of E.D. Telegraph Messenger from 6.6.1991 be set aside and his continuity of service be treated by this Hon'ble Court and all his salary and allowances be given to him by directing the respondents ^{for} the said payments.

3. That the petitioner is a member of Scheduled Caste and is a very poor man and as such any appointment be given to him in Khalilabad Basti or near about a place within 10 miles radius.

3. The learned counsel appearing for the respondents Shri S.C.Tripathi has stated that the Sub Divisional Inspector (P) Khalilabad Sub Division Khalilabad has offered appointment to the petitioner as E.D.D.A./E.A.M.C. against the post falling vacant in newly established Branch Post Office, Govind Pur vide letter dated 9.11.93 sent by the the Sub Divisional Inspector (P) Khalilabad Sub Division addressed to the petitioner which the petitioner has produced before us and the same is placed on record. In this letter, the petitioner has been asked whether he would like to have an appointment at a place still nearer to his home and whether for getting such appointment, the petitioner would still be willing to wait or not.

4. The petitioner being hard-pressed for his living has agreed to accept the appointment offered to him in the Branch Post Office Govind Pur on the condition that as and when a vacancy nearer to his home occurs, the same may be made available to him. The learned counsel for the respondents has no objection to the petitioner being brought nearer to his home if a vacancy arises in the near future at a place nearer to his home. Respondents are directed to put the petitioner against a vacancy nearer to his home if and when such vacancy arises.

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5. The petitioner has also pressed his prayer for the relief of a direction to the respondents for counting his past service of 16 years and treat his service as continuous. In this connection, we direct the respondents to sympathetically consider the case of the petitioner for granting him continuity of service in accordance with the Rules.

6. The respondents shall give an order of appointment in respect of the post offered to the petitioner ^{in the letter} addressed by the Sub Divisional Inspector (P) Khalilabad Sub Division dated 9.11.1993 as aforesaid and put him in position at an early date.

7. With the directions as aforesaid, this petition stands disposed of without any order as to costs.

Ushu Sen
Member-A

R.K. Vama
Vice-Chairman
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Allahabad Dated: December 8th, 1993

/jw/