

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD

D.A.No.1801/92

Anand Mani Dev

....Applicant

versus

Union of India & others

...Respondants.

Hon. Mr. Justice U.C.Srivastava, V.C.

Hon.Mr. V.K.Seth, A.M.

(By Hon.Mr. Justice U.C.Srivastava, V.C.)

The applicant was appointed on the post of EDDA and worked as E D B P M from 1.8.85 to 17.4.87 in the year 1975⁴ Thereafter on the post of the applicant One Ram Prasad was appointed and the applicant made a representation to the authorities concerned stating that the appointment of Ram Prasad is quite illegal and he being the son of retired post master, is entitled to be appointed on the said post and this appointment does not suffer from any infirmity. But in the mean time, it was directed that the charge may be given to another person. After scrutiny of the case, the appointment was cancelled by the Director, Postal Services vide his order dated 1.4.1987. Feeling aggrieved with the said order the applicant has approached this tribunal.

2. The Sri Ram Prasad was appointed as Branch Post Master vide order of the Superintendent Post Offices dated 19.6.1986 but on the public complaint. The Director of the Postal Services called for the appointment file of Sri Ram Prasad and directed the SPOs. to stop the charge of Branch Post Master. Ram

Prasad filed a petition in the Hon'ble C A T Allahabad. The S P Os vide his order dated 27.5.1991 provisionally appointed the applicant Anand Muni Dev on the post of Branch Post Master with clear understanding that this appointment on the said post is tenable till the petition of Sri Ram Prasad is decided by this Tribunal. If even it is considered to take Ram Prasad back in service, his appointment would be terminated without any notice. This Tribunal decided the case in favour of Sri Ram Prasad (in O.A.No.1142/1987 and the S P Os was directed to reconsider the petition of Sri Ram Prasad and if it is found that the order of cancellation was made on unjustified ground the said Ram Prasad shall be given appointment and directed the S P Os to give appointment to Sri Ram Prasad as per direction of the Tribunal, was considered and given appointment and as such vide his order dated 8.12.1992 the services of the applicant Anand Muni Dev was terminated. That order has been challenged by this application on the ground that the applicant has been working since 1975 and he has completed all the requisite formalities for the said post and he is the son of the retired post master and hence he is entitled

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to the appointment in question. The appointment of the applicant was ~~xx~~ subjected to the certain conditions. After the retirement of his father he was entitled to be considered for the said post because he has worked about 5-7 years as such ~~even~~ under relevant instruction he becomes entitled ~~for to give his performance~~ ^{being} ~~in the matter.~~ ^{preferable}

The respondents are accordingly directed to give priority and preference in appointment of the applicant. He can be appointed on the ~~said~~ post of ~~E-D-D-A~~ ^{EDBPM} in any branch Post Office in the same delivery Zone or elsewhere on priority basis in preference to any fresher and that who has worked for lesser period than him. The application is disposed off with the above observations. No order as to the cost.

W. S.
MEMBER (A)

W.
VICE CHAIRMAN

Dated : 13th April 1993

(Is)

(X)
Correction
allowed
v/c order
dated 16.10.95
W.C.
16/10/95