

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD

Allahabad this the 16th day of December 1999.

Original Application no. 292 of 1992.

Hon'ble Mr. S.K.I. Naqvi, Judicial Member
Hon'ble Mr. M.P. Singh, Administrative Member.

Smt. Neelam,
w/o Shri Rishi Narain Dinha,
posted as E.D.B.P.M. Tanda,
Distt. Basti.

... applicant

C/A Shri P.P. Pandey

Versus

1. Union of India through Secretary Ministry of Communication Government of India, New Delhi.
2. Superintendent of Post Offices, Basti Division, Basti.
3. Jamadar Khalilabad Area, District Basti.

... Respondents.

C/R Km. Sadhana Srivastava

[Signature]

...2/-

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O R D E R

Hon'ble Mr. S.K.I. Naqvi, Member-J.

Smt. Neelam has knocked the Tribunal under section 19 of the A.T. Act 1985 with the prayer to direct the respondents to allow her work as EDBPM, Tanda Distt. Basti.

2. As per the applicants case Shri Prashid Narain Pandey was working as EDBPM Tanda and on his dismissal the applicant was appointed as such vide order dated 18.03.91 and she joined the post on 01.04.91. The applicant has mainly stressed that as per terms of her appointment, she could be replaced only by Shri P.N. Pandey, the previous incumbent to the post, in case he could get any departmental or court relief against his dismissal, ^{or} she could be replaced by regularly appointed candidate. The applicant has further gone to mention that because of her illness she left for hospital leaving the charge of her post with one of her relations named Shri Rajesh Kumar Ujha who informed her on 27.10.91 that the charge of the post has forceably been taken on 23.10.91. with this information the applicant moved several representations, copies of which have been filed with the O.A. But her representation were not replied. Therefore, she has come to the Tribunal.

3. In their CA the respondents have mentioned that one Shri Virendra Kumar Lal was the original incumbent to this post who was put off duty vide order dated 13.04.77 and Shri P.N. Pandey was posted to the ^{his}

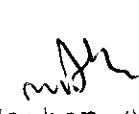
post as alternative arrangement. In consequence upon departmental action Shri P.N. Pandey was also taken off from duty and the applicant Smt. Neelam was given a provisional appointment. In compliance of judgment dated 13.09.91 passed by C.A.T. Allahabad, in OA 536/87 & 537/87 Shri V.K. Lal was taken back on duty who had better claim than the applicant and, therefore, Shri V.K. Lal was ordered to work as such and the services of the applicant were terminated.

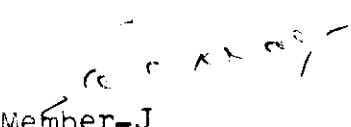
4. On this date of hearing no one appeared for ~~the applicant~~ either parties and, therefore, we decide it on the basis of record.

5. On perusal of record we find that the appointment of Smt. Neelam was only provisional as an arrangement against the post held by Shri P.N. Pandey which was liable to be terminated at any time as per para 4 of the appointment letter (annexure A1). It is quite evident from the record that Shri V.K. Lal was ^{the Tribunal which} to be reinstated under judgment by/ the applicant can not be successfully challenged.

6. Keeping in view ^{the facts as narrated above} we find that the relief sought for can not be granted. O.A. is dismissed accordingly.

7. No order as to costs.


Member-A


Member-J