

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 9TH DAY OF APRIL, 2001

Original Application No.602 of 1992

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.DAYAL, MEMBER(A)

Sudhir Prasad, son of Mahendra Pal
R/o village Arani, post Office
Barla(Kauriyaganj) district Aligarh

... Applicant

(By Adv: Shri.A.Tripathi)

Versus

1. Union of India, through Post Master General, U.P.Lucknow.
2. Senior Supdt. of Post Offices, Aligarh.
3. Sub Divisional Inspector(Posts) _
East Sub Division, Aligarh.
4. Ram pal, son of Ganeshi prasad
R/o village Tikta, Post Barla,
district Aligarh.

... Respondents

(By Adv:Ms.Sadhna Srivastava)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

This OA has been filed challenging orders dated 16.4.1992,27.3.1992, by which engagement of the applicant as provisional EDDA Barla district Aligarh was terminated. The facts in short giving rise to this application are that the post of EDDA Barla fell vacant on retirement of Sri Nem Singh on his attaining the age of 65 on 1.11.1988. Senior Superintendent of Post Offices Aligarh ~~had~~ instructed not to appoint anybody on this vacant post as, one Rakesh Kumar was to be appointed on compassionate ground. The respondent no.3, however, appointed respondent no.4 on this post w.e.f.28.12.1988. Rakesh Kumar, however, was given appointment on compassionate ground w.e.f. 13.2.1989 and services of respondent no.4 were terminated. Rakesh Kumar however could not continue on the post and he proceeded on leave and then did not turn up to join

the post. Respondent no.3 permitted respondent no.4 to work on the post as a stop gap arrangement and simultaneously also invited names from Employment Exchange Aligarh. He appointed petitioner on provisional basis with clear contemplation that the appointment is tenable till regular appointment is made. A condition was also provided that if Rakesh Kumar comes back applicant will have to vacate; ^{vacate} the ~~conditions~~ provided in the appointment letter dated 18.1.1992 a copy of which has been filed as (Annexure 1 to the OA). Respondent no.4, however, in the meantime raised objection against the appointment of the applicant which was accepted by SSPO vide order dated 27.3.1992 and in pursuance of the said order by the impugned order dated 16.4.1992 applicant's engagement was terminated. Aggrieved by which applicant has come to this Tribunal.

In para 15 of the counter affidavit, it has been clearly stated that in view of the direction of this Tribunal dated 29.4.1992 to the effect that in the meantime in case any regular appointment has not been made, or said Rakesh Kumar has not been reinstated the applicant shall be allowed to work as 'EDDA', The applicant Sudhir Prasad was taken back on duty w.e.f. 5.5.1992 till the decision of this Tribunal. Respondent no.4 inspite of notice has not turn up to contest the case. For the last about 8 years ^{in interim} applicant is serving on the post in pursuance of the ~~impugned~~ order of this Tribunal, though his appointment is provisional.

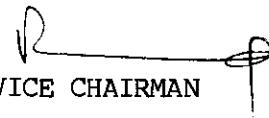
In these facts and circumstances in our opinion it is not necessary to enter into the controversy as to whether the orders of respondents no.2 and 3 can be sustained or not. The case may be disposed of with the direction to the respondents to make appointment on regular basis expeditiously and the applicant may be continued till then.

The OA is accordingly disposed of in terms of the interim

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order dated 29.4.1992 and the respondents are directed to make
in the claim of applicant for regular appointment shall be
appointment on regular basis at the earliest. No order as to
costs.


MEMBER(A)


VICE CHAIRMAN

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Under considered
in accordance with Rule

Dated: 9.4.2001

/Uv/