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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH

ALLAHABAD

DATED : THIS THE 26TH DAY OF MARCH 1997

CORAM : Hon'ble Mr. S. Das Gupta AM

Hon'ble Mr. T. L. Verma JM

ORIGINAL APPLICATION NO.1512 of 1993

Chandra Bhan Singh s/o Bhagwan Singh,
aged about 38 years, r/o Village and
Post Baraigarh, District Kanpur- - - - - - - Petitioner

Sri R.C.Sinha, Counsl for the applicant

Versus

1. Union of India through Secretary,
   Ministry of Postal, New Delhi.
2. Suprintendent of Post Offices,
   Kanpur.
3. Inspector of Post Offices,
   Kanpur - - - - - - - - - - - - - - - - - -Respondents

Sri S.K.Misra and Km. Sadhna Srivastava
Counsel for the respondents

WITH

ORIGINAL APPLICATION NO.551/95

Anand Prakash aged about 37 years
s/o Lalata Prasad Kureel, resident of
Village and P.O. Gopalpur Narwal,
District : Kanpur. - - - - - - - - - - - - Applicant

C/A S/Sri S.K.Dey and S.K.Misra

Versus

1. Union of India through the
   Secretary, Ministry of Post and Telegraphs,
   New Delhi.
2. Senior Supdt. of Post Offices,
   Kanpur City, District Kanpur.
3. Sub-Divisional Inspector Post Offices,
   Kanpur - - - - - - - - - - - - - - - - - -Respondents

C/R Sri

ORDER (ORAL)

By Hon'ble Mr. S. Das Gupta AM

As the controversy involved in the two applications No. 1512/93 and 551/95 arise out of the same facts and circumstacnes, we took up hearing of both the O.As together and dispose of the same by this common order.

2. It appears from the facts discussed in the pleadings in both the O.As that one Durga Shanker Tewari was working asExtra Departmental Branch Post Master (EDBPM for short) Gopalpur Narwal since 22.2. 1979. Subsequently formalities for regular appointment was initiated and one Anand Prakash Kureel in O.A. No.551/95 was selected for the post and he was also issued a letter of appointment dated 25.4.80/5.5.80. Thereupon the said Durga Shanker Tewari filed Writ petition before the High court and obtained Stay order by virtue of his contuing as EDBPM Kurdni and the said Anand Prakash Kureel could not take over charge. Writ petition was subsequently transferred to this Tribunal and was dismissed on 30.5.1991

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Thereafter fresh appointment letter dated 13.8.93 was issued to Anand Prakash Kureel. However, in the intervening period Chandra Bhan Singh in O.A.No.1512/93 who was given charge on regular basis as Extra Departmental Mail peon (EDMP for short) Kurdni was directed to function as E.D.B.P.M. Gopalpur. On issue of fresh appointment letter to Anand Prakash Kureel, Chandra Bhan was directed to hand-over charge. He thereafter filed this application no.1551/93 challenging the order directing him to hand over charge and at the admission stage it was ordered that his posting shall be subject to the final outcome of the O.A.It appears that thereafter Chandra Bhan Singh continued to funtion as EDBPM until 2.2.1996. Department started a parallel post office in which Anand Prakash Kureel started functioning as EDBPM. Since then Chandra Bhan Singh was not being paid salary of that post. He claimed that he has been working as EDBPM Gopalpur .

3. In the sequence of facts and circumstances as indicated above, it is quite clear that Anand Prakash Kureel is the rightful claimant of the post having been regularly selected.

4. Sri Chandra Bhan Singh was only asked to hold the charge of the post office on adhoc arrangement, which should have been terminated when Anand Prakash Kureel was given appointment letter. It would appear that it was the intransigance of Chandra Bhan Singh which created entire administrative problems in which regular appointee could not take over charge and an adhoc appointee was

was functioning on the post. Official respondent had to make adhoc arrangement for a parellel post office to overcome the impasse. The only infirmity we found is that there is no order on record to indicate that Chandra Bhan Singh was to revert to his regular post of Extra departmental Mail Peon.

5. Inview of the foregoing, we dispose of this applications with a direction to the respondents to issue specific order to Chandra Bhan Singh directing him to join his duties as ~~E.D.B.P.M.~~ EDMP Kurdni within a period to be specified in the order. Inview of the conduct of the applicant in 1512/93, we do not pass any order in his favour for payment of any salary for the period from 2.2.1996 till the date he takes over charge at his ~~fresh~~ station of posting. Sofar as Anand Prakash Kureel is concerned since chandra Bhan Singh has been paid as EDBPM after the letter of appointment was issued to Anand Prakash Kureel until 2.2.1996 and admittedly he was functioning as EDBPM during this period, we see no reason to pass any order for payment of salary to Anand Prakash Kureel from the date of issue of appointment letter till 2.2.1996. He has taken over charge of the post w.e.f 2.2.1996 and is being correctly paid the salary of the post from that date. We however, provide that Anand Prakash Kureel shall be granted notional seniority w.e.f. the date of issue of first appointment letter.

6. We also direct that Chandra Bhan Singh shall not suffer break in service for the

period from 2.2.1996 till his date of joining on regular post for the purpose of seniority and other pensionary benefits.

7. These applications stand disposed of on the above terms. No order as to costs.

Member(J) Member (A)

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