

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1545 of 1993

Allahabad this the 02nd day of August, 2000

Hon'ble Mr.S.K.I. Naqvi, Member (J)
Hon'ble Mr.M.P. Singh, Member (A)

Jogendra Pal Singh, Son of Sri Balwant Singh,
aged about 36 years, R/o C-97, Trans Yamuna
Colony, Post Jamuna Bridge, Agra-6 Pin-282006.

Applicant

By Advocate Shri O.P. Gupta

Versus

1. Senior Superintendent of Post Offices, Agra Division, Agra.
2. Assistant General Manager (Admin) Office of the Chief General Manager, Madras Fleet Telephones, 22 Kellys Road, Madras Pin-600010.
3. Union of India through Ministry of Communication (Department of Posts, Dak Tar Bhawan) Parliament Street, New Delhi-Pin-110001.

Respondents

By Advocate Shri S.C. Tripathi

O R D E R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

Shri Jogendra Pal Singh has approached the Tribunal seeking direction to the respondents to give appointment to him either on the post of Auto Exchange Assistant or in any other equivalent

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post of the same grade and to set aside the order dated 03.5.1993, through which the appointment to the applicant has been denied.

2. As per applicant's case, he applied for appointment to the post of ~~Ex~~Auto Exchange Assistant under respondent no.2 and after having completed the initial formalities, appointment order was issued and he was called to undergo the training for the post but the respondent no.1 did not permit him to join there for the training because at that time, the applicant was working under him and ^{he has} ~~there~~ being subjected to disciplinary proceedings. When disciplinary proceedings were over on 06.4.88 and respondent no.1 agreed to relieve him, the applicant approached the C.G.M., Madras to allow him to join ~~there~~ in pursuance of the appointment letter but the same was declined as per annexure-4, mainly on the ground that due to non-availability of vacancies and surplus staff position in this District, no training could be arranged and he(applicant) will be intimated as and when any training class is arranged but against the expectation of the applicant, he was served with letter dated 12.11.1991 intimating that the establishment of respondent no.2 does not need any A.E.As(Auto Exchange Assistants) since the cadre is declared dying one. Against this order, the applicant has sought for relief as above and also against the letter dated 03.5.93, copy of which has been annexed as annexure A-7, communicating that the cadre in question has been

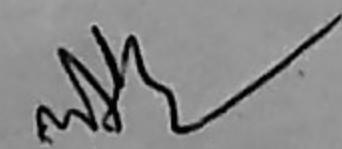
declared as "Wasting Cadre" and recruitment to these cadres has been banned by the D.G., D.O.T. and, therefore, the request of the applicant for appointment as A.E.A. or equivalent post of T.I. or R.S.A., has been declined.

3. The respondents have contested the case mainly on the ground that the relief cannot be granted to the applicant for being considered to be posted to a post under dying cadre or the cadre which has been banned.

4. Heard, the learned counsel for the parties and perused the record.

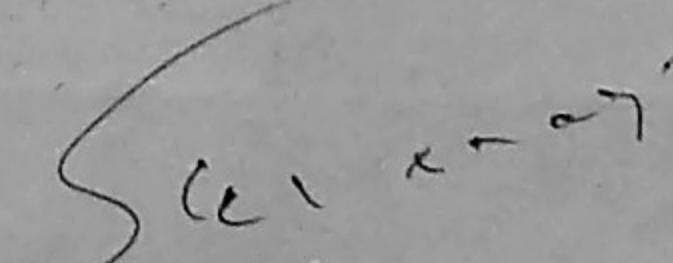
5. The applicant has sought for relief to direct the respondents to appoint him on the post, which has already been 'banned' and the cadre has been declared as 'Wasting' and 'Dying' cadre, which cannot be granted, and to set aside the order communicating policy matter regarding the strength and reduction or abolishing any cadre, is beyond the scope of judicial review.

6. For the above, we do not find any merit in the O.A., which is dismissed accordingly. No order as to costs.



Member (A)

/M.M./



Member (J)