

(Open Court) (11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

Dated, Allahabad. This 20th December, 2000

CORAM : Hon'ble Mr. Rafiq Uddin, Member (J)  
Hon'ble Mr. S. Biswas, Member (A)

Original Application No. 1655 of 1994

Mukesh Kumar Agrawal  
S/o Shri Basant Lal Agrawal  
Resident of Sarai Bazar, Iglas,  
District- Aligarh

.....Applicant

Counsel for the Applicant : Shri M.K. Upadhyay

V E R S U S

1. Union of India through the  
Director General, Post and Telegraph,  
New Delhi
2. Senior Superintendent of Post Office,  
Aligarh Division, Aligarh
3. Radhey Shyam Pachauri  
S/o Shri Tota Ram  
Resident of Sarai Bazar, Iglas, District-Aligarh

.....Respondents

Counsel for the Respondents : Shri S.C. Tripathi,  
Shri M.C. Negi  
Shri

O R D E R (open Court)

( Order by Hon'ble Mr. Rafiq Uddin, Member (J) )

*Reported*  
The applicant was appointed as Extra ~~Duty~~ Branch  
Post Master, Iglas, Aligarh vide order dated 24.10.1980.  
The applicant was provisionally appointed on the aforesaid  
post since Shri Radhey Shyam Pachauri who was working in the  
post was arrested by the Police in connection with some  
charge of criminal cases. It was stated in the appointment  
letter of the applicant that his appointment was provisionally  
till the disciplinary proceedings against Shri Radhey Shyam

Pachauri is finally disposed of and he has been ~~exempted~~ from all departmental, judicial appeals. However since the criminal proceedings against said Shri Radhey Shyam Pachauri has been dropped he was ordered to take up the duty on the post of Extra Duty Branch Post Master held by the applicant vide impugned order dated 29.9.1994. By this O.A. the applicant seeks quashing of the impugned order dated 29.9.1994 whereby the service of the applicant has been terminated and he has been asked to hand over the charge to Shri Radhey Shyam Pachauri who has been impleaded as Respondent No.3. The applicant has also sought reinstatement on the post in question and payment of his salary. We have heard

We have heard Shri M.K.Upadhyay, Learned Counsel for the applicant and Shri M.C.Negi, Learned Counsel for the Respondent. It is evident from the perusal of the appointment letter of the applicant that he was provisionally posted in the post in question. It was also specifically mentioned that he would hold the post till proceedings against Shri Radhey Shyam Pachauri, Respondent No.3 are completed. Since it is not in dispute proceedings against the Respondent No.3 has been dropped, therefore, his reinstatement in the post in question is justified. However considering the facts that the applicant has served continuously for about 14 years on the post it would be reasonable on the part of the Respondents that the services of the applicant be utilised as Extra Duty Branch Post Master if any vacancy exists within the administrative control of Respondent No.2. The Respondents may also provide with any other alternative post considering his long experience as Extra Duty Branch Post Master. We, therefore, dispose of this O.A. with the direction to the Respondents to use the service as far as possible in the

same capacity as Extra Duty Branch Post Master if any vacancy exists within the administrative control of Respondent No.2. If the said post is not available immediately the applicant may be given some other alternative employment. The applicant will also be eligible to get his service experience including seniority. There will be no order as to the cost. Necessary order regarding the appointment of the applicant in any post of Extra Duty Branch Post Master shall be passed within 3 (three) months from the date of communication of this order.

S.B  
AM

Ram Nandan  
JM

kkc