

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 23rd day of April 1997.

Original Application no. 576 of 1994.

Hon'ble Mr. T.L. Verma, Judicial Member  
Hon'ble Mr. S. Dayal, Administrative Member.

Yamuna Dutt Pandey, S/o Sri N.V. Pandey, R/o Chand Colony  
Ward No. III, Station Road Tanakpur, District Nainital,  
(Extra Department Tar Messenger, Post and Telegraph  
Tanakpur).

... Applicant.

C/A Sri Yatindra Singh

Versus

1. Union of India through Secretary Communications,  
New Delhi.
2. Senior Superintendent of Post Office, Nainital Division,  
Nainital.

... Respondents.

C/R Sri S.C. Tripathi.

O R D E R (Oral)

Hon'ble Mr. S. Dayal, Member-A.

In this application under section 19 of the  
Administrative Tribunals Act, 1985. The applicant has  
sought relief of setting aside of impugned order dated  
28.02.94 and regularisation of the services of the applicant.  
Sri Pankaj Saxena, brief holder of Sri Yatendra Singh  
appeared for the app-licant and Sri S.C. Tripathi appears  
for the respondents.

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2. Their arguments were considered along with pleadings in this case.

3. The applicants claim to have joined as E.D. Telegraph Messengers in 1976 at Tanakpur. A new Telegraph Office was established in 1992 at Tanakpur. The applicant was asked to join as ED Packer, Betalghat. It is the case of the applicant that Betalghat is 160 Km. away from Tanakpur and that the applicant expressed his difficulty in sustaining his family at distant place on amoluments available to E.D. Employees. Learned <sup>Proxy</sup> counsel for the applicants also mentions that that applicant never declined joining at Betalghat, but requested for posting at or near Tanakpur. It is his case that his request was not considered and the vacancy of E.D. at Sub Post Office at Chandani which arose after March 1992 was filled up by appointment of a new person. He has mentioned the name of Sri Vinod Kumar Joshi who appointed on this post. He has also mentioned that Sri Jagdish Chandra and Sri Tej Chandra, were junior to the applicant were also similarly accomodated. <sup>It is also claimed that</sup> The respondents have not decided his representation.

4. The respondents have mentioned in his counter reply that the applicant was relieved of the post of E.D. Telegraph messenger Tanakpur on 02.03.93 and was engaged on Daily Wages as village postman in the leave ~~vacancy~~ vacancy from 02.03.93, itself and continues on this post. He has also mentioned that the name of the applicant has been kept in waiting list of surplus E.D.



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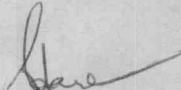
Telegraph, messenger to give them alternative job in the vicinity/<sup>neighbourhood</sup> ~~neighbourhood~~ of Tanakpur, in case any vacancy arose in future. They have stated that Sri Jagdish Chandra, E.D. Packer, Chandani, and Sri Tej Chandra E.D.D.A, Chandani, have been appointed on 08.08.80 and 24.08.76 respectively and were not junior to the applicant. As far as Sri Vinod Kumar is concerned, he was appointed before the orders of abolition of post of E.D. Telegraph Messenger, at Tanakpur were issued. The respondents have also mentioned that the applicant did not apply as a candidate when the post of Chandani was being filled up, but started making representation only after the post was filled up.

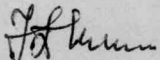
5. We have considered the facts of the case that the applicant worked for more than 17 years before this post was abolished. Learned proxy counsel for the applicant has mentioned that the vacancies are available even at present in the vicinity of Tanakpur in the cadre of E.D. Employee and the name of the applicant can be considered for filling up such vacancies. We direct the respondents to consider the representation of the applicant to be submitted with regard to such vacancies and in case of any difficulty for considering the applicant for posting in the vicinity of Tanakpur, The applicant may be allowed to join <sup>at</sup> ~~Betalghat~~ <sup>or any other vacancy</sup> after his representation has been considered

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and reply has been given to him. In the meanwhile he  
may be allowed to continue on the post of Daily Wages Village  
Postman.

  
Member-A

  
Member-J

/pc/