

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

(a)

Original Application No. 12 of 1995

Allahabad this the 07th day of April, 2000

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

Ram Bahadur Yadav S/o Sri Seeta Ram Yadav,
R/o Vill. & P.O. Yudhisthir Patti, Distt.
Azamgarh.

Applicant

By Advocate Shri I.R. Singh

Versus

1. Additional Superintendent Post Offices,
Azamgarh Region, Azamgarh.
2. Director of Postal Services, Gorakhpur
Region, Gorakhpur.
3. Union of India through its Secretary, Post
and Telegraph Department, New Delhi.

Respondents

By Advocate Km. Sadhu Srivastva

ORDER (Oral)

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

Shri Ram Bahadur Yadav has brought up
this case before the Tribunal for direction to the
respondent no. 1 - Additional Superintendent Post
Offices, Azamgarh to consider the appointment of
the applicant on the post of E.D.B.P.M. at post
office Yudhisthir Patti, Azamgarh. He has also
prayed for direction against the respondents not

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to fill up the post of E.D.B.P.M. at post office Azamgarh by fresh selection.

2. As per applicant's case, a vacancy accrued on discharge of Shri Jagdish Singh who was incumbent as Extra Departmental Branch Post Master, Post Office, Yudhisthir Patti, Azamgarh and the respondents called for names from Employment Exchange, Azamgarh, who submitted 5 names, which includes the name of the applicant at serial no.5 and at serial no.4 the name of Shri Manoj Kumar Maurya. The respondents appointed Shri Manoj Kumar Maurya vide order dated 01.10.1994. The applicant considers himself to be a better candidate and alleges that Shri Manoj Kumar Maurya obtained the appointment by illegal and fraudulent means. Being aggrieved by the appointment of Shri Maurya, the applicant first tried to have redressal from the department concerned and when the department did not help, he has filed the present U.A.

3. The respondents have filed the counter-
^{initial} reply and supported the appointment of Shri Maurya. In rejoinder-affidavit, the applicant has reiterated the position as pleaded in the U.A.

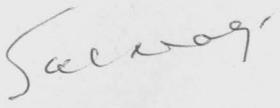
4. Heard, the learned counsel for the rival contesting parties and perused the record.

5. Learned counsel for the respondents invited our attention towards para no.13 and 14 of the counter-affidavit in which it has been

pleaded that on certain complaints, the appointment of Shri Manoj Kumar Maurya has been cancelled by the P.M.G. vide order dated 14.12.1994 and consequently termination order was passed on 21.12.1994. During the course of arguments, it has also been brought ~~onto our~~ notice that against that termination, Shri Manoj Kumar Maurya preferred an O.A. before the Central Administrative Tribunal, Allahabad Bench, Allahabad, which was dismissed on 21.12.1995. Shri Manoj Kumar Maurya did not stop here but went up before the Hon'ble Apex Court in Civil Appeal No. 13256 of 1996, which was decided with the observation that the appointment of the appellant (Shri Manoj Kumar Maurya) shall be deemed to be ^{of cancellation of his appointment} on temporary basis and the impugned order including the order passed by Central Administrative Tribunal, were set aside.

6. With the above position in view and observation by the Hon'ble Apex Court and also on the ground that Shri Manoj Kumar Maurya, who could be affected by the result of this O.A., has not ~~been~~ ^{been} arrayed as party to the O.A., we do not find ourselves in a position to grant the relief sought for in the matter. The O.A. is dismissed accordingly. No order as to costs.


Member (A)


Member (J)

/ M. M. /