

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 7th day of March 2000.

Original Application no. 515 of 1995.

Hon'ble Mr. S.K.I. Naqvi, Judicial Member

Hon'ble Mr. M.P. Singh, Administrative Member

Jai Prakash Dubey,

S/o Seo Murat Dhar Dubey,

R/o village and Post Badhyanpar,

Distt. Gorakhpur.

... Applicant

C/A Shri R.N. Tripathi

Versus

1. Union of India through the Secretary
Ministry of Posts New Delhi.
2. Chief Post Master General,
U.P. Lucknow.
3. Senior Superintendent of Post Office Gorakhpur
Division Gorakhpur.
4. Sub Division Inspector of Post Office Urwa
Bazar, Distt. Gorakhpur.

... Respondents

C/R Sri S. Chaturvedi



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ORDER

Hon'ble Mr. S.K.I. Naqvi, Member-J.

Sri Jai Prakash Dubey has come up for quashing of impugned order dated 12.7.95, copy of which has been annexed as annexure 1, through which he has been disengaged from the post of Branch Post Master, Badhyapar. As per applicant's case, he was appointed to the post of Branch Post Master, Badhyapar, on 27.04.93 and discharged his duties faithfully. But his services have been terminated, through an illegally ^{un-}warranted order which is liable to be set aside. It has also been mentioned that the applicant preferred many representations and he was assured of being accommodated.

2. Respondents have contested the case and filed CA, in which it has been mentioned that the engagement of applicant was as a result of vacancy due to retransference of Ram Suresh Yadav, but as on his resuming duty, the post was filled, leaving no vacancy. Therefore, services of the applicant were terminated which ^{was} ~~was~~ only temporary ^{in nature} and liable to be terminated without any notice.

3. ^{from his side} Heard Arguments of both the parties ~~have been~~ ~~heard~~ and perused the records.

Sanjay


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4. Office memorandum dated 27.04.93, through which the applicant was engaged, clearly mentions that his engagement to the post was purely temporary and ~~is~~ ^{terminated} liable to be ~~disengaged~~ at any time without notice. It has been brought on record on behalf of respondents that on resuming duty by Shri R.S. Yadav there remains no vacancy and, therefore, the applicant was disengaged. We, don't find any illegality in this impugned order.

5. ~~Before parting with the matter we find it necessary to~~
^{we also find} that the OA is highly ~~time~~ ^{by limitation of time} barred, as provided under C.A.T. Act. The cause of action, if any, arose, on 27.04.1993, when the applicant was disengaged, but he has filed this OA only on 23.05.95. This delay has also not been properly explained and the facts mentioned in the delay condonation application no. 1038/95 are not acceptable to us.

6. We don't find any merit in this case. The O.A. is dismissed accordingly. No order as to costs.


Member-A


Member-J

/pc/