

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

...

Original Application No. 528 of 1999

this the 31st day of March 2004.

HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER(A)
HON'BLE MR. A.K. BHATNAGAR, MEMBER(J)

Girish Kumar, S/o Sri Radhey Shyam, R/o Village & Post
Sarthal, District Moradabad.

Applicant.

By Advocate : Sri H.C. Dwivedi (absent)

Versus.

1. Union of India through the Chief postmaster General,
U.P. Circle, Lucknow.
2. The Sr. Supdt. of post offices, Moradabad Division,
Moradabad.
3. The Sub-Divisional Inspector (Postal), Sub-Division
Chandausi, District Moradabad.

Respondents.

By Advocate : MS. S. Srivastava.

O R D E R

PER MAJ GEN K.K. SRIVASTAVA, MEMBER(A)

The applicant was working in the respondents establishment as EDBPM in Sarthal post office, District Moradabad w.e.f. 4.2.1994. Earlier to this, he was engaged to work as EDBPM after the applicant's father, who was a regular EDBPM, expired on 12.3.1991 and the applicant was given appointment on compassionate grounds as a special case on 29.6.1994. The applicant was put off duty vide S.D.I.'s order dated 26.5.1998, which was confirmed by the respondent no.2 vide letter dated 9.6.98 (Annexure-3). By order dated 30.12.1998 (Annexure A-4) the respondent no.3 allowed the payment of 25% of Basic allowance plus D.A. as admissible to the applicant during the period he was put off duty. The applicant has challenged all the three

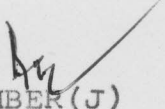
orders i.e. order dated 26.5.98 (Annexure A-2), order dated 9.6.98 (Annexure A-3) and order dated 30.12.98 (Annexure A-4) in this O.A.

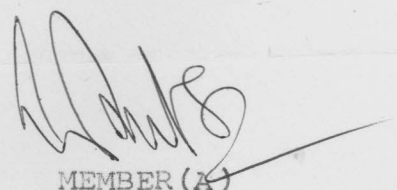
2. The learned counsel for the respondents submitted that ^{h h} the pending investigation, the applicant was put off duty as per rules on the subject. The enquiry was held and final order dated 30.5.03/12.6.2003 has been passed by which the applicant has been removed from service. The order dated 30.5.2003/12.6.2003 produced by the respondents' counsel is taken on record.

3. We have heard the counsel for the respondents and perused the pleadings.

4. The applicant has not filed any Rejoinder affidavit in spite of the fact that the Counter affidavit was served on him on 13.12.1999. Since final order has already been passed by the respondent no.3 on 30.5.2003/12.6.2003, ^{now the same is not under challenge in this O.A.} nothing remains to be decided in this O.A.

5. In view of the above, the O.A. is dismissed with no order as to costs.


MEMBER (J)


MEMBER (A)

GIRISH/-