

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

Allahabad : Dated this 22nd day of May, 2001.

Original Application No.960 of 1999.

CORAM :-

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Hon'ble Maj Gen K.K. Srivastava, A.M.

Subodh Kumar Tiwari,

S/o Shri Prem Narain Tiwari,

Resident of GP-3, Hamirpur Road,

Kanpur, presently working as

E.D. Packer at Naubasta Hamirpur Road,

Post Office, Kanpur Nagar.

(Sri N.P. Singh, Advocate)

..... Applicant

Versus

1. Union of India through Secretary,
Government of India, Department of Posts,
Ministry of Communication, New Delhi.
2. Director Postal Services,
Kanpur Region, Kanpur.
3. Senior Superintendent of Postal Services,
Kanpur City.

(Sri SC Tripathi, Advocate)

..... Respondents

O R D E R (O_r_a_l)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

This OA has been filed under Section 19 of the
Administrative Tribunals Act, 1985, for the relief that
the impugned order dated 30-6-1999 (Annexure-A-8 to the
OA) may be quashed and the respondents may be directed



to send applicant for training of the Postman and also give him appointment on the post with the same seniority which has been given to other similarly situated persons.

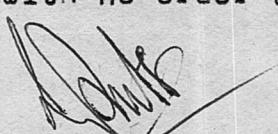
2. The facts giving rise to this application are that the applicant Subodh Kumar Tiwari was appointed as E.D. Packer at Naubasta, Hamirpur Road Post Office, Kanpur Nagar. He was appointed on this post in the year 1991. As the applicant had completed five years as E.D. Packer, he applied for appearing in the examination for selection to Postman held on 20-12-1998. The applicant was selected for the post of Postman on 05-4-1999. The name of the applicant was shown at Serial No.6 of the panel. However, the applicant was not sent for training alongwith other selected candidates and the reasons was communicated to him by the impugned letter dated 30-6-1999. Learned counsel for the applicant has submitted that the OA No.164/1993 which was pending and on account of which the applicant was not sent for training has now been decided by this Tribunal by order dated 08-12-2000, a copy of the order has been annexed as Annexure to the Affidavit of the applicant dated 29-1-2001. The appointment of the applicant Sri Subodh Kumar Tiwari was held to be legal and proper and it was also held that the applicant was rightly selected on the basis of prescribed qualification and experience at the relevant time. Para 10 of the order, which is relevant is being reproduced below dated 8-12-2000 :-

"10. In view of the foregoing, we hold that the appointment of respondent no.5 Shri S.K. Tewari cannot be held to be irregular on the basis of his inferior merit in the 8th Std. He was selected on the basis of prescribed qualifications and experience at the relevant time. Thus we do not find any merit in these OAs for any intervention by the Court. The OAs are dismissed accordingly

2. In view of the foregoing, we hold that the appointment of respondent no.3, Shri SK Tewari cannot be held to be irregular on the basis of his inferior merit in the 8th Std. He was selected on the basis of prescribed qualifications and experience at the relevant time. Thus, we do not find any merit in this OA for any intervention by the Tribunal. The OA is accordingly dismissed. //

3. The applicant has filed MA No.758/2001 to quash the impugned order dated 30-6-1999 and for a direction to the respondents to send the applicant for training. MA No.1676/2001 has been filed for permission to the applicant to appear in the departmental examination held on 22-4-2001 for the post of Lower Grade Officers, which is notified by the Department on 1st/2nd March, 2001.

4. In view of the facts mentioned above, in our opinion, the order dated 30-6-1999, which could be operative only till the decision of the OA has automatically come to an end on 08-12-2000 when the OA was decided. No order is required in this OA except that the respondents shall now initiate steps for which the applicant is legally entitled as the selected candidate for the post of Postman entitling seniority in accordance with rules as stated in paragraph no.26 of the counter affidavit. The OA is accordingly disposed of with no order as to costs.


Member (A)


Vice Chairman

Dube/