

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 01st day of February, 2005.

Original Application No. 1055 of 1999.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.
Hon'ble Mr. S.C. Chaube, Member- A.

Palu Ram S/o Late Mithai Lal,
R/o Village and Post Office- Phulwaria,
Varanasi Cantt.

.....Applicant

Counsel for the applicant :- Sri V.K. Srivastava

V E R S U S

1. Union of India through its Secretary,
M/o Post and Telecommunication, New Delhi.
2. Chief Post Master General,
U.P. Lucknow.
3. Director of Postal Services,
Allahabad.
4. Senior Superintendent of Post Offices,
Varanasi.
5. Sri Radhey Shyam Tiwari, Assistant Superintendent
of Post Offices, Head Post Office, Cantt,
Varanasi.
6. Brijesh Kumar Tiwari, S/o Sri Radhey Shyam Tiwari,
Head Post Office, Cantt. Varanasi.

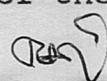
.....Respondents

Counsel for the respondents :- Sri Amit Sthalekar

O R D E R

By Hon'ble Mr. Justice S.R. Singh, VC.

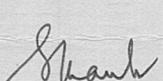
One Sri Hari Nath, EDDA, Branch Post Office, Cantt appointed the applicant as a substitute on his own responsibility. The arrangement, according to the applicant, was made in the year 1988 whereas, according to the respondents, this arrangement was made in the year 1998. Be that as it may the appointment of the applicant as a substitute is not

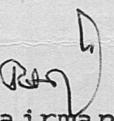


disputed. vide order dated 02.01.1999 referred to in the impugned order dated 06.01.1999 (Annexure- 4), the applicant is stated to be replaced by one Sri Brijesh Kumar Tiwari, an out sider. The applicant gave an application that he should not be replaced by an out sider and the Post Master forwarded the application dated 05.01.1999 to Assistant Superintendent of Post Offices, Varanasi Division, Varanasi. The principle well settled is that one substitute cannot be replaced by another substitute. It appears that no decision has yet been taken by the SSPOS or ASPOS, Varanasi Division, Varanasi, the applicant cannot be compelled to hand over the charge to Sri Brijesh Kumar Tiwari, who is an out sider and not a regular EDDA.

2. In paragraph 4.6 of the O.A it is ~~stated~~ ^{awards} that Sri Brijesh Kumar Tiwari ~~is~~ happened to be the son of respondent No. 5 i.e. Radhey Shyam Tiwari, ASPOS, who had directed the replacement of the applicant by Sri B.K. Tiwari. ~~As~~ ^{Accordingly} Such an order cannot be maintained. ^{As} the O.A succeeds and is allowed. Impugned order dated 02.01.1999 referred to in forwarding letter dated 06.01.1999 is set aside. The Senior Superintendent of Post Offices, Varanasi is directed to take appropriate decision in the matter. In the meantime, it is provided that applicant shall continue until replaced by a regularly selected EDDA.

3. There will be no order as to costs.


Member-A.


Vice-Chairman.

/Anand/