

(3)
OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

Allahabad : Dated this 11th day of January, 2001
Original Applicatio No.1483 of 2000.

CORAM:-

Hon'ble Mr. Justice RRK Trivedi, V.C.

Ved Prakash Singh S/o Sri Durvijay Singh,
Resident of Mohalla Kunwarpur,
Sindh Quarter, House No.14, Bareilly.
(Sri H.N. Singh, Advocate)

.Applicant

Versus

1. Union of India through Secretary
Through Ministry of Post and Telegraph,
New Delhi.
2. Post Master General,
Bareilly Region, Bareilly.
3. Senior Superintendent Post Offices,
Bareilly Region, Bareilly.
4. Senior Post Master,
Bareilly Head Post Office, Bareilly.
5. Radhey Shyam Son of Not Known.
R/o Vill & Post-Langura Distt-Bareilly,
EDMP (Extra-Departmental Mail Post Man),
Mamora Distt-Bareilly, through Senior Postmaster,
Head Post Office, Bareilly.

.Respondents

O R D E R (O_r_a_l)

By Hon'ble Mr. Justice RRK Trivedi, V.C.

By this application under Section 19 of the
Administrative Tribunals Act, 1985, the applicant has
challenged the order dated 24-11-2000 by which the
applicant has been disengaged from the post of
Electrical Khalasi on which he was serving since



1-9-1997 and respondent no.5 Sri Radhey Shyam has been engaged as outsider.

2. Learned counsel for the applicant has submitted that the applicant was engaged on daily wages on the vacancy caused by promotion of one Sri Rajendra, Khalasi, the engagement of respondent no.5 is not on regular basis but as outsider and is also an ad hoc arrangement/casual engagement. Learned counsel for the applicant has also submitted that the applicant cannot be replaced by any other ad hoc casual engagement as he was serving for the last more than three years. It has also been submitted that the order has been passed with a malafide intention and in an arbitrary manner only to accommodate the brother respondent no.5 who has been appointed in his place as E.D.M.P. Mamora. It is submitted that if the applicant is ousted in this manner, he shall suffer irreparable loss and injury as he has become overage and cannot get any other employment.

3. Before coming ^{to} ~~to~~ this Tribunal, the applicant filed a representation before respondent no.3, Senior Superintendent of Post Offices, Bareilly Region, Bareilly. A copy of the representation has been filed as Annexure-5 to the OA. In my opinion, as the applicant has already approached the appropriate authority, who is competent to grant relief, the ends of justice shall be served if the respondent no.3 is asked to consider and decide the representation of the applicant within a specified time by a reasoned order.

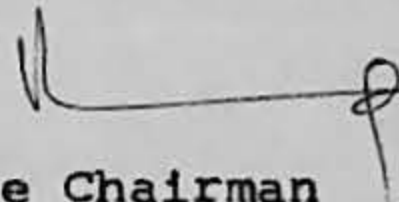
4. The application is accordingly disposed of finally with direction to respondent no.3 to consider and decide the representation of the applicant and pass



5

- 3 -

a reasoned order, within a period of three months from the date of filing a copy of this order before him. It is further provided that respondent no.3 shall hear the applicant as well as respondent no.5, Sri Radhey Shyam before passing the order. In order to avoid delay, opportunity is given to the applicant to file a copy of the representation alongwith a copy of this order. There shall be no order as to costs.



Vice Chairman

Dube/