

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

Dated: Allahabad, the 27th day of March, 2001.

Coram: Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiq Uddin, J.M.

REVIEW APPLICATION NO. 60 OF 2000

On behalf of

1. Union of India, through the Secretary,
Ministry of Communications, New Delhi.
2. Chief Post Master General, U.P. Circle,
Lucknow.
3. Senior Superintendent of Post Offices,
East Division, Varanasi.

(By Advocate: S. Chaturvedi) Respondents 1, 2, & 3.
In

ORIGINAL APPLICATION NO. 854 OF 1999

Smt. Bindu Singh,
wife of Sri Ravindra Pratap Singh,
r/o village & Post Parasi Kalan,
District Chandauli.

(By Advocate: Sri R.P. Singh) Applicant

1. Union of India, through the Secretary,
Ministry of Communications, New Delhi.
2. Chief Post Master General,
U.P. Circle, Lucknow.
3. Senior Superintendent of Post Offices,
East Division, Varanasi.
4. Sri Shiv Shanker Tewari,
s/o Sri Ranji Tewari,
r/o village & Post Parasi Kalan,
District Chandauli.

. Respondents.

(By Advocate: Sri S. Chaturvedi)

2.

O R D E R (ORAL)

(By Hon'ble Mr. S. Dayal, AM)

This Review Application has been filed, seeking review of the order dated 26.7.2000 passed by this Bench on the ground that the appointment of Respondent No.4 has already been regularised and, therefore, the Original Application should have been dismissed. The Review Application also states that the services of Respondent no.4 were regularised during the pendency of the Original Application by order dated 19.5.2000.

2. We find that the Original Application was filed on 22.6.99 and notices were issued to the Senior Superintendent of Post Offices, East Division, Varanasi and Sri Shiv Shanker Tewari, who had been appointed for a period of six months on the post of E.D.B.P.M. Parasi Kalan, District Chandauli. The application was heard on 26.7.2000, when Sri R.P. Singh was present for the applicant and Sri A.N. Shukla, brief holder for Sri R.C. Joshi was present for the Respondents. Directions were given as below:-

" We have considered the contentions of the learned counsels. We find that the respondents No.4 was appointed for a period of six months or till regular appointment was made which ever was shorter. Respondent no.4, therefore, if continued beyond six months, is only continuing on provisional basis. The respondents are bound to under take selection for regular appointment as per their own condition mentioned in impugned order dated 14.1.99. The respondents are directed to make a fresh selection within a period of six months from the date of receipt of a copy of this order. The appointment of respondent no.4 would continue only till the appointment of regular incumbent is made on the basis of fresh selection and he takes charge."

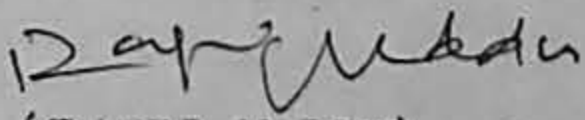
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3.

It appears that the Respondent No.3 in the said Original Application regularised Respondent No.4 during the pendency of the Original Application, in which provisional appointment of the Respondent No.4 was under challenge. The provisional appointment was made by order dated 14th January, 1999 and the order was to the following effect:-

" Whereas the post of EDBPM Parasi Kalan, Distt. Chandauli has become vacant and it is not possible to make regular appointment to the said post immediately the undersigned has decided to make provisional appointment of Sri Shiv Shanker Tiwari s/o Shri Ramji Tiwari vill. & P.O. Parasi Kalan (Chandauli) to the said post for the period of six months from 14.1.99 to 13.7.99 or till regular appointment is made, whichever period is shorter."

3. Under the circumstances, the bona fides of order of regularisation dated 19.5.2000 during the pendency of this Original Application without resorting to regular selection by issuing notice inviting applications from eligible candidates for selection on the post of EDBPM, Parasi Kalan, Distt. Chandauli. Besides, it is clear that the regularisation has been done without seeking permission from the Division Bench of the Tribunal, in which the O.A. was pending, is clearly without any authority. Under the circumstances, we find that there is no merit in the Review Application and the same is dismissed as misconceived.


(RAFIQ UDDIN)
JUDICIAL MEMBER


(S. DAYAL)
MEMBER (A)