CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 08th day of AUGUST 2003.

Original Application no. 1259 of 2002.

Hon'ble Maj Gen K.K. Srivastava, Member (A)
Hon'ble Mrs. Meera Chhibber, Member (J)

Jagdish Saran, s/o late Shri Gokul Prasad,

R/o Mohalla Kanoongayan, Faridpur,

Distt. Bareilly.

... Applicant

By Adv : Sri J.K.N. Mishra

Versus

1. Union of India through its Secretary Post Office,
    New Delhi.

2. Post Master General, Bareilly.

3. Senior Supdt. of Post Office, Upkhand Bareilly.

4. Assistant Supdt. of Post Office Upkhand East (II),
    Bareilly.

5. D.C. Prasad, Assistant A.S.P. East Bareilly.

6. Virendra Prakash Rajput, Postman, Nawabganj,
    Bareilly.

... Respondents

By Adv : Sri G.R. Gupta.

ORDER

Hon'ble Maj Gen K.K. Srivastava, AM.

In this OA, filed under Section 19 of the A.T.
Act, 1985, the applicant has prayed for quashing the
order dated 16/12.10.2002 (Ann 2) by which one Sri Virendra

.....2/-

Prakash Rajput has been posted as Mail Overseer East
Sub **Division** Bareilly terminating local arrangement.
The applicant has further prayed that direction be
issued to respondents, not to interfere with the
working of the applicant as Mail Overseer, East
besides staying the operation of the impugned order
dated 16/22.10.2002. The applicant has also prayed
that direction be issued to the respondents that
during pendency of this OA status quo should be
maintained and Sri V.P. Rajput (respondent no. 6)
should not join as Mail Overseer, Sub Division Bareilly
East.

2.   The grievance of the applicant is that he was appointed
as Mail Overseer Post Office East (II) Bareilly on 31.7.2001
and by impugned order dated 16/22.10.2002 one Shri Virendra
Prakash Rajput Postman, Nawabganj, Bareilly, has been ordered
to takeover charge as Mail Overseer, East Sub Division Bareilly
to terminate local arrangement. The action of the respondents
as per applicant is arbitrary and illegal. The applicant has
further contended that there are six vacancies under Senior
Supdt. of Post Offices (in short SSPOs), Bareilly Division,
and yet the applicant's appointment as Mail Overseer has been
terminated. Learned counsel for the applicant submitted that
the applicant filed a representation before Post Master General,
Bareilly (respondent no. 2) on 23.10.2002, which is still
pending.

3.   Resisting the claim of the applicant, Sri G.R. Gupta,
learned counsel for the respondents, submitted that the
applicant has already been relieved on 01.11.2002. However,
he has refused to hand over the charge, therefore, his salary
for the month of November 2002 onwards has been stopped. Learned
..........3/-

counsel for the respondents further submitted that there were number of complaints against the applicant, therefore, he was removed from the post of Mail Overseer, East II Bareilly because it was a temporary arrangement and he was not regularly promoted person on the post.
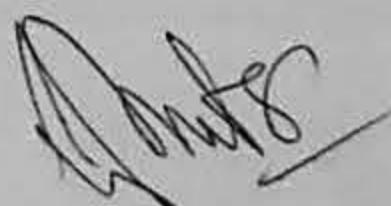
4.   Having heard learned counsel for the parties and going through the pleadings, we are of the considered opinion that the ends of justice shall be better served, if the applicant's representation dated 23.10.2002, addressed to Post Master General, Bareilly Region, Bareilly, is decided.

5.   The O.A. is finally disposed of with the direction to respondent no. 2 to decide the representation of the applicant dated 23.10.2002 (Ann 4) by a reasoned and speaking order within a period of one months from the date of communication of this order. Respondent no. 2 is further directed to look into the payment of wages [pay and allowances] of the applicant from November 2002 till date after calling for a report from respondent no. 3 and ascertaining the facts thereof. We also hope that, if the vacancies are there and the applicant is entitled for promotion as per his turn, keeping in view his seniority, respondent no. 2 shall consider his case and decide the same within specified time given by us because the applicant is going to retire shortly. The O.A. is decided accordingly.

6.   There shall be no order as to costs.

Member (J)   Member (A)

/pc/