

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Alla-habad, this the 24rth day of January, 2003.

QUORUM : HON. MR. JUSTICE R.R.K. TRIVEDI, V.C.

HON. MAJ. GEN. K.K. SRIVASTAVA, A.M.

O. A. No.1445 of 2002.

Umesh Dhar Dwivedi S/O Late Saru Dhar Dwivedi R/O Village &
Post Malhanpur, Via Bans Gaon, District Gorakhpur.

.....

.....

..... Applicant.

Counsel for applicant : Sri K.C. Sinha.

Versus

1. Union of India through Secretary, Ministry of Communication,
Dept. of Posts, Dak Bhawan, New Delhi.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. Post Master General, Gorakhpur Region, Gorakhpur.
4. Director, Postal Services, Gorakhpur.
5. Senior Superintendent of Post Offices, Gorakhpur Division,
Gorakhpur.....

.....

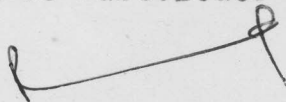
..... Respondents.

Counsel for respondents : Sri G.R. Gupta.

O R D E R (ORAL)

BY HON. MR. JUSTICE R.R.K. TRIVEDI, V.C.

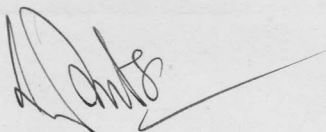
Before we could sign the order, Sri K.C. Sinha, Counsel for applicant appeared and made submissions. Sri Sinha has placed strong reliance on the letter of the Post Master General dated 4.12.2002 filed as Annexure-I to rejoinder affidavit and has submitted that the applicant has reasonable chances to get an order of regularisation from the superior authorities of the department and in the circumstances the action on the basis of impugned advertisement may be directed to be kept in abeyance. Reliance has also been placed on the letters annexed as A-8 and A-16 which contain correspondence regarding regularisation of the applicant between Director General Posts and Post Master General. Sri G.R. Gupta, Counsel for the respondents, on the other hand, submitted that the applicant was appointed as substitute then he has no right



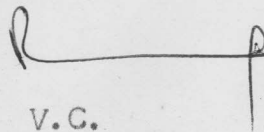
to question the advertisement issued for selection of the candidates on regular basis for appointment. He is not entitled for any relief.

2. We have carefully considered the submissions made by the parties and in our opinion, the ends of justice will be served, if the matter is referred to the Post Master General, Respondent No.3 to consider the case and pass suitable orders so as to balance the interest of the individual and the department. The application is accordingly disposed of with the liberty to applicant to approach Respondent No.3 by making representation which shall be considered and decided expeditiously in any case within a month from the date a copy of this order is filed.

No order as to costs.



A.M.



V.C.

Asthana/