

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD

Original Application No.337 of 2002.  
this the day of 15th, May 2002.

HON. MAJ. GEN. K.K. SRIVASTAVA, MEMBER (A)  
HON. MR. A.K. BHATNAGAR, MEMBER (J)

Raj Kumar Pandey, S/o Ram Shiroman Pandey,  
R/o Village Gidhara, Post Viharganj,  
District Pratapgarh, Presently residing  
at House No.86 Cantonment Area, Chatham Lines,  
Allahabad.

... Applicant.

By Advocate:-Sri A. Tripathi.

Versus.

Union of India through Secretary (Post),  
Ministry of Communication, Dak Bhawan,  
Sansad Marg, New Delhi.

2. Post Master General,  
Allahabad Region, Allahabad.

3. Senior Superintendent of Post Offices,  
Pratapgarh Division, Pratapgarh.

4. Sub Divisional Inspector ( Postal),  
North Sub Division, Pratapgarh.

... Respondents.

By Advocate:-Sri C. Prasad B/H for Sri R.C. Joshi.

O R D E R ( ORAL )

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

In this O.A. filed under Section-19 of

A.T. Act, 1985 the applicant has prayed that the direction be issued to respondent no.4 to give the appointment to the applicant on any vacant post of E.D. Post being a retrenched E.D. employee in pursuance of the order dated 24-4-1997 passed by the respondent no.3.

2. The brief facts of the case are that the applicant worked on the post of EDBPM, Viharganj, Pratapgarh on several occasions. The respondent no.3 vide order dated 24-4-1997 directed Sub Divisional Inspector (SDI), East, Pratapgarh for appointment of the applicant on any E.D. Post treating the applicant as a retrenched employee. In pursuance to the order of respondents no.3 i.e. SDI, East Pratapgarh, the SDI, East, Pratapgarh vide order dated 25-4-1997 called for the documents from the applicant. In spite of <sup>his</sup> ~~this~~ approaching the authorities concerned after submission of documents, no appointment was given to him as E.D. Agent and therefore the applicant made a representation before P.M.G., Allahabad Region, Allahabad on 8-9-1997 (Annexure-3). So far no decision has been taken. Hence, this DA.

3. Sri A. Tripathi, learned counsel for the applicant submitted that the applicant has been approaching the authorities concerned and he also applied for the post of EDBPM, Rampur Gauri but his application was rejected, inspite of the fact that the respondent no.3 has declared him as a retrenched employee. The learned counsel for the applicant further submitted that the applicant is fully eligible for appointment as E.D. Agent on any post. Presently the post of EDBPM, Kapa Madhoganj is lying vacant due to retirement of regular incumbent. The respondent no.3 has initiated action for filling the post on regular basis. The applicant has also applied for the same and since the respondent no.3 has himself declared the applicant as a retrenched employee, it is

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incumbent upon respondent no.3 to consider the case of the applicant on priority. The application of the applicant for the post of EDBPM, Kapa Madhoganj has been placed as Annexure-A-7 and copy of the same was forwarded to the Post Master General, Allahabad, Respondent no.2.

4. We have considered the submissions of the counsel for the parties and have perused the records. The applicant has been declared as a retrenched employee by Respondent No.3 as appears from perusal of Annexures A-1 and A-2, He has applied for the post of EDBPM Kapa Madhoganj and has represented to PMG Allahabad. In our opinion the applicant is entitled to get a decision from the PMG, Allahabad on his representation dated 8-9-1997. Therefore, in the interest of justice, it will be appropriate for respondent no.2 to examine the entire issue in totality.

5. The O.A. is disposed of with the direction to the respondent no.2 to decide the representation of the applicant dated 8-9-1997 and to consider the claim of the applicant in view of our aforesaid observations in accordance with rules. The post of EDBPM, Kapa Madhoganj, will not be filled up till the representation of the applicant is decided by respondent no.2.

6. There shall be no order as to costs.

  
Member (J)

  
Member (A)

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