

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Dated : This the 08th day of April 2002

Original Application no. 367 of 2002.

Hon'ble Maj Gen K.K. Srivastava, AM  
Hon'ble Mr. A.K. Bhatnagar, JM

Ashok Kumar Yadav, S/o Sri Ram Murti Yadav,  
R/o Vill. Bhabaura, P.O. Malhanpar, Distt.  
Gorakhpur, presently residing at House of  
late Ram Sewak Yadav, Vill. Shrirampur, P.O.  
Riyon, Distt. Gorakhpur employed as GDS MD  
Riyon, in the District Gorakhpur.

... Applicant

By Adv : Sri JM Sinha  
Sri A. Tripathi

V E R S U S

1. Union of India through the Secretary, Ministry of Communication, Department of Posts, Dak Bhawan, New Delhi.
2. P.M.G. Gorakhpur Region, Gorakhpur.
3. SSPOs Gorakhpur Division, Gorakhpur.
4. SDI (Post Office) Kauriram Sub Division, Kauriram.
5. Sri Jawahar Singh, S.D.I. Post Office Kauriram Sub Division Kauriram, Gorakhpur.

... Respondents

By Adv : Sri R.C. Joshi.

O R D E R

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

In this OA filed under section 17 of the A.T. Act, 1985, the applicant has prayed that termination order ~~termination~~ if any be quashed and the applicant should be allowed to continue in service.

2.

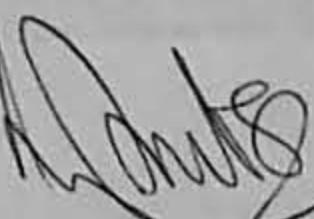
2. Sri A. Tripathi learned counsel for the applicant submitted that the applicant was appointed on a regular basis as EDDA, Riyon EDBO in account with <sup>Now Post Office</sup> Shivpur <sup>SPO</sup> vide order dated 14.9.1999 (Ann A-7). The applicant has been working since then to the entire satisfaction of the respondents. The applicant proceeded on medical leave w.e.f. 18.3.2002 after providing substitute as per rules. Respondent no. 5, Sri Jawahar Singh, SDI, Post Office Gauri Ram, Sub Division Gorakhpur has threatened the applicant that he would not allow the applicant to join on expiry of his medical leave and, therefore, he had no alternative but to approach this Tribunal. Sri A. Tripathi, also submitted that the action of respondent no. 5 is illegal and no order of termination has been delivered even on demand. Though there are no orders of dismissal or termination on record, we feel that the applicant is entitled for protection and the services of the applicant who was regularly appointed cannot be terminated in this manner. The respondents have to take action in accordance with law.

3. We finally dispose of this OA with the direction to respondent no. 4 not to interfere in the smooth working of the applicant. Respondent no. 3 will ensure that respondent no. 4 is restrained from such activities which are not in accordance with law. In case the applicant is found guilty of misconduct respondents should take <sup>an</sup> <sup>an</sup> action as per rules and in accordance with law.

4. There shall be no order as to costs.

  
Member (J)

/pc/

  
Member (A)