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**OPEN COURT**  
**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH**  
**ALLAHABAD**

(THIS 19<sup>TH</sup> DAY OF MAY 2009)

**PRESENT**

**HON'BLE MR. JUSTICE A.K. YOG, MEMBER (J)**

**HON'BLE MR. S. N. SHUKLA, MEMBER (A)**

**ORIGINAL APAPPLICATION NO. 63 OF 2002**

(Under Rule 19 of the Administrative Tribunals, Act 1985)

Manik Chand Son of Sri Narain Singh  
resident of Village Gurusikaran  
Post Gurusikaran, Police Station Hardua Ganj District ,  
Aligarh.

.....Applicant

By Advocates: Sri Pankaj Shukla/J. P. Singh

**VERSUS**

1. Union of India through Secretary Ministry of  
Communication Department.
2. S.S.P.O. Aligarh (Department of Post) India.
3. Assistant Superintendent of Post Office Aligarh.

.....Respondents

By Advocate:- Sri Pranay Krishna.

**ORDER**

**Delivered by Justice A.K. Yog, Member (J)**

1. Heard Learned Counsel for the parties, perused the pleadings and the documents on record.
2. According to the applicant he was appointed as E.D.B.P.M. (Extra Department Branch Post Master) in the Post office Gurusikaran, District Aligarh. It is



pertinent to mention here that he was appointed against the vacancy created due to promotion of one Veerpal on the basis of recommendation and inspection report Annexure A-3/compilation-II. According to the applicant his work was satisfactory there was no complaint against him but without giving him opportunity of hearing, his engagement was terminated, vide impugned order dated 04.09.2001 Annexure-A-1 to the O.A.

3. This Tribunal vide order dated 24.01.02 admitted this O.A. and passed an interim order for convenience said order, is reproduced below:-

*"We have heard counsel for the parties on interim order also. It appears that the applicant was appointed as E.D.B.P.M. provisionally on 24.8.1990. Since then he has been working on the post till 4.9.2001, when an order was passed terminating his services and he was asked to hand over the charge on 09.1.2002. Considering the long period the applicant have already served on the post, we are of the view that he is entitled for protection. After a period of three years continuous working on the post he entitled to be considered for appointment on the post under rules.*

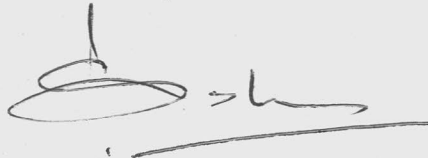
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*In these circumstance-es, we direct the respondents to allow the applicant to continue on the post till the further orders. However, it shall be open to the respondents to continue the proceedings for appointment on regular basis in which claim of the applicant shall also be considered."*

4. It has come on record, that the applicant has been continuing under interim order through out. A categorical statement was made to this effect, that Manik Chand sent his affidavit (serving on 22<sup>nd</sup> Oct 2008/9) in respect of MA (restoration No. 4370/08). In para 5 of the said affidavit, it is stated that applicant is continuing on the appointed post and no regular appointment has been made on the said post to this date.
5. Considering that the applicant has been working and discharging his duties of E.D.B.P.M. (Extra Department Branch Post Master) ever since the year 1990, may be under interim order (as noted above), the expedience that he may not be allowed unless respondent authority found that person continuing his service is against the public interest on the basis of applicant his service report was satisfactory. In view of the above it is to appreciated. Applicant be permitted to continue and considered for absorption/regularization in accordance with law, if not already done so.

*Her*

6. In the totality of the circumstances we confirm the interim order subject to the observation made above while applicant to continue as E.D.B.P.M. (Extra Department Branch Post Master) provided that there is nothing adverse against him which may disqualify him to continue in service and/or against public interest.
7. In view of the above impugned order dated 04.09.2001 Annexure-A-1/Compilation-1 is set aside
8. O.A. is allowed subject to the above direction/observations. No costs.



AM



JM

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