

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 1ST DAY OF JULY, 2002

Original Application No.719 of 2002

CORAM:

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

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Thakur Prasad Chand, son of  
Shri Rajpati Chand, resident of  
village and post office Chilwa via Gola  
Bazar, district Gorakhpur.

... Applicant

(By Adv: Shri S.S.Tripathi)

Versus

1. The Union of India through Secretary  
Department of Posts, Ministry of  
Communication, New Delhi.
2. The Senior Superintendent of Post  
Offices,, Gorakhpur Division  
Gorakhpur.
3. Sri om Prakash Sharma, the  
officiating senior supdt. of  
post officess, Gorakhpur division  
Gorakhpur.
4. Sub Divisional inspector of Post  
Offices, sub-division, Uruwa Bazar  
Gorakhpur.
5. Sri Sardar Singh Yadav,Sub  
Divisional Inspector of Post  
Offices, Sub Division Uruwa Bazar,  
Gorakhpur.
6. Tapas Yadav, son of Shri B.M.Yadav  
Resident of village & Post office  
Chilwa via Gola Bazar,district  
Gorakhpur.

... Respondents

(By Adv: Shri R.C.Joshi)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

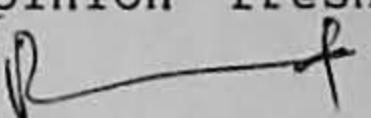
By this OA u/s 19 of A.T.Act 1985 applicant has  
challenged the order dated 21.5.02(Annexure 10) by which  
the parallel branch post office has been opened and  
respondent no.6 has been given charge of the post  
office.

The facts of the case are that the new post office was opened on 30.4.1992. For appointment of EDBPM of this post office names were requisitioned from employment exchange clearly stating that this will be a temporary arrangement and appointment shall be on ad hoc basis. The name of applicant and that of respondent no.6 were forwarded. However, the applicant was appointed on temporary basis with clear stipulation that his appointment shall cease as soon as the candidate regularly selected is available for appointment. This appointment of the ~~applicant~~ was challenged by respondent no.6 by filing OA 1831/94 in this Tribunal. The OA was allowed on 21.1.02 with the following direction:-

"In view of the facts and circumstances, the OA is allowed. The order of SSPOs, Gorakhpur (Respondent no.2) dated 24.11.1992 and the impugned order of SDI (respondent no.3) dated 25.11.1992 are quashed. The OA is disposed of with the direction to DPS, Gorakhpur to consider this matter and select the most suitable candidates for appointment from amongst the three candidates whose name were sponsored ~~by~~ from the Employment Exchange.

The entire exercise will be completed within a period of two months from the date of communication of this order."

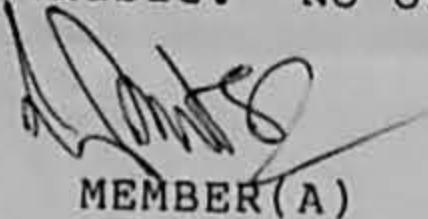
It is not disputed that applicant has filed writ petition no. 17139/02 before Hon'ble High court which is pending. During this period by impugned order respondent no.6 has been appointed in pursuance of the order of Senior Supdt. of Post Offices Gorakhpur dated 16.5.02. As the dispute arises out of the same selection proceedings, in our opinion fresh OA is not legally



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mainatainable. If the applicant is aggrieved by this order, he can challenge the same in the writ petition which is pending in Hon'ble High court by making an application.

In view of the aforesaid facts, this OA is rejected as not maintainable. No order as to costs.



MEMBER(A)



VICE CHAIRMAN

Dated: 1st July, 2002

Uv/