

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad, this the 11th day of September 2002
Original Application No. 873 of 2002.

Hon'ble Mr. Justice R.R.K.Trivedi, Vice Chairman.

Hon'ble Mr. S.Dayal, Member (A)

Prahala^d Mishra son of Late Sri Shobh Nath
Mishra, resident of Village and post office
Rasulpur, District Jaunpur.

.....Applicant

Counsel for the applicant: Shri S.P.Shrma/Shri R.K.Pandey

Versus

- 1- Union of India through Secretary.
Ministry of Communication, Government
of India, New Delhi.
2. Chief Post Master General, U.P. Circle,
Lucknow.
3. Superintendent of Post Offices, Jaunpur
Division, Jaunpur.

.....Respondents

Counsel for the respondents: Shri R.C.Joshi

O R D E R

(By Hon'ble Mr. Justice R.R.K.Trivedi, V.C)

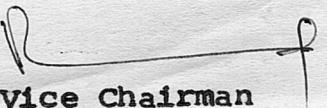
By this OA under section 19 of Administrative
Tribunals Act, 1985, applicant has challenged the
notification dated 5-6-2002 by which applications have
been invited for appointment as EDBPM of Post Office
Rasulpur in District Jaunpur. The submissions of the
learned counsel for the applicant is that the aforesaid
post had fallen vacant after death of the father of applicant
on 24-2-1997. After the death of applicant's father, by
order dated 14-3-1997 applicant was appointed as EDBPM on
compassionate grounds. However, subsequently, by order
dated 26-9-2001 he was informed that his compassionate
appointment has been considered by the circle committee,

he has not been found fit for compassionate appointment. Then the applicant filed a representation and also approached this Tribunal by filing OA NO. 704/02 which was disposed of finally on 7-6-2002 directing the Chief Post Master General to decide the representation of the applicant by a reasoned and speaking order within a period of 3 months. The learned counsel for applicant has submitted that the representation of the applicant has not been decided and in the meanwhile the impugned notification has been issued inviting applications for appointment as EDBPM. It is submitted that this case raised through representation shall be prejudiced ~~for~~ ^{if} selection ~~it~~ is made on the basis of the impugned notification. We have considered the submissions of the counsel for applicant. However, we are not satisfied that merely by notification ^{and} inviting application, prejudice shall be caused to the applicant. On the other hand, he may participate in theselection as he has already worked for about 4 years as claimed by him. The learned counsel for the applicant than submitted that as the representation of the applicant was pending before the chief Postmaster General, he could not apply in pursuance of the notification.

2. Considering the facts and circumstances of the case this OA is disposed of, with the observation that it shall open for the applicant to make application for appointment as EDBPM in pursuance of the notification and if the selection is still open and the appointment has not yet been made, the application of the applicant shall be ~~expedited~~ ^{accepted} and entertained alongwith others. It is however, further made clear that the selection so made in pursuance of the notification, shall be subject to order passed by Chief Postmaster General on the representation of the applicant. No order as to costs.


Member (A)

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Vice Chairman