

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

October

TUESDAY THIS THE 1ST DAY OF SEPTEMBER 2002

ORIGINAL APPLICATION NO. 100 OF 2002

WITH

ORIGINAL APPLICATION NO. 523 OF 2002

HON. MR. S. DAYAL, MEMBER-A

HON. MRS. MEERA CHHIBBER. MEMBER-J

Mahech Chandra Srivastava
s/o Late Sri Ram Sajwan Srivastava
r/o 120-D,
Vishwa Bank Colony,
Barra,
Dist- Kanpur Nagar. ... Applicant in O.A 100/02

Dhananjaya Kumar Trivedi
s/o Sri Babu Lal Trivedi,
r/o H.No. 112 Block 'C'
Kidwai Nagar,
Kanpur Nagar. Applicant in O.A 523/02
(By Advocate:- Sh. K.K.Tripathi)

Versus

1. Union of India,
Ministry of Communication Department of Post,
New Delhi.
2. The Chief Postmaster General,
U.P. Circle,
Lucknow.
3. The Director,
Postal Services,
Kanpur Region,
Kanpur.
4. The Chief Post Master,
Kanpur Head Office,
District- Kanpur.
..... Common respondents in both the
O.As.

(By Advocate:-Shri S.Chaturvedi)

O R D E R

HON. MR. S. DAYAL, MEMBER-A

In O.A NO. 100/02 the applicant has sought
for setting aside of orders dated 16-10-2001 and 10-1-2001
and a direction to respondents to pass orders for
posting of the applicant on the post of Postal Assistant
for which he has initially been recruited vide order
dated 18-8-1997. In O.A 523/02 the reliefs sought
are for setting aside of orders dated 16-10-01, 10-1-2002
and 11-4-2002 alongwith a direction to the respondents
to post the applicant as Postal Assistant for which

③ Date modified
under order in
O.A. 4227/02
aff. 13.8.03.

R. J. 4.9.03
Registers

recruited vide
he claims be initially order of respondent No. 2 dated
5-2-1999.

2. The learned counsel for the applicant in both these cases has chosen to sent illness on 16-8-2002, 16-9-2002 and today. Thus the application is not deemed perused because of the inherent illness in the case.

3. The applicant in O.A 100/02 was informed by the respondents by letter dated 16-10-2001 that a post of E.D was vacant while the name of the applicant had been approved for compassionate appointment in Postal Assistant. No vacancies in the cadre of Postal Assistant within the ceiling of 5% are available. It is also mentioned that chance of absorption of the candidates kept in waiting against vacancies available within 5% ceiling of Direct Recruitment quota in the department further stated that or elsewhere very remote. It is the willingness of the applicant for the appointment on the E.D post was sought by another letter dated 10-1-2002. The applicant was again requested to submit an unconditional willingness for ED/GDS post which were lying vacant in Banda Division, Fatehpur division and Kanpur division(M). It is claimed that the Chief Post Master, Kanpur by letter dated 12-6-2001 has ascertain the willingness for absorption for the job in other Ministry/Department. The applicant had given his consent for U.P. Circle. The applicant claims that yet sent a representation against order dated 16-12-2001 with a request to review of order dated 16-10-2001. It is claimed that the applicant has been forced to submit his willingness to be posted as ED agent resulting in reversion and loss of pay allowances and also his seniority in the cadre of Postal Assistant. He claims that he is entitled to an opportunity before he is reverted.

4. We find from the counter reply that the applicant has not been appointed as Postal Assistant. We find there was no case of reversion as the applicant has not been appointed. The respondents have also denied that any persons junior to the applicant was given appointment. The applicant is free to accept or reject the offer of the respondents for appointment on ED/GDS posts. Under the circumstances we do not find ~~any~~ any merit in this application. However, since the representation of the applicant dated 3-12-2001 stated to be pending, the respondents are directed to decide the same within 3 months from the date of receipts of the copy of this order alongwith copy of the said representation.

5. As regards O.A 523/02 the applicant had applied for compassionate appointment on the ground that his father had suffered from heart ailment and had become undable to perform his duties in the department. The applicant had sought compassionate appointment which was rejected by the respondents vide order dated 4-9-97. The mother of the applicant had represented against the rejection of the application for compassionate appointment. The applicant was thereafter informed by letter dated 14-12-99 of the PMG, Kanpur that his name was entered in the waiting list at Sl. No. 3 in relaxation quota for P.A cadre. The applicant has thereafter received letter dated 16-10-2001 informing him that likelihood of absorption of two candidates against 5% ceiling of the recruitment quota in P.A cadre was extremely remote then sought his willingness for being posted as ED/GDS. This reminder was sent on 10-1-2002 for appointment to a GDS post lying vacant in Banda Division, Fatehpur Division/Kanpur (M) Division. Thereafter the applicant was again reminded by letter dated 11-4-2002 regarding submission of willingness for appointment to a GDS post. The applicant has not

submitted his willingness and has chosen to file the O.A.

6. The applicant has claimed that he is being compelled to give his willingness to join the post of Gramin Dak Sevak. We find no such pressurisation, the respondents have only sought to ascertain the applicants willingness which he is free to give or not to give. Under the circumstances this O.A has no merit and the same is dismissed.

No order as to costs.



Member-J



Member-A

Madhu/