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Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Original Application No.1167 of 2003

Wednesday, this the 11th day of February, 2004.

Hon'ble Maj. Gen. K.K.Srivastava, A.M.
Hon'ble Mr. A.K. Bhatnagar, J.M.

Sri Sunil Kumar Upadhyaya,
S/o Sri Harihar Nath Upadhyay,
R/o Bambripur, District - Auraiya.

....Applicant.

(By Advocate : Shri Y.K. Saxena)

Versus

1. Union of India,
through Secretary,
Ministry of Communication,
New Delhi.
2. Post Master General,
Agra Region, Agra.
3. Superintendent, Post Office-
Etawah/Auraiya.
4. Post Master/Asstt. Superintendent of
Post Office, Auraiya.

.....Respondents.

(By Advocate : Shri R.C.Joshi)

ORDER

By Hon'ble Maj. Gen. K.K.Srivastava, A.M. :

The applicant has filed this O.A. under Section 19
of A.T. Act, 1985, praying for direction to respondents to
allow the applicant to continue as Post Master Bambripur and
also to pay salary alongwith arrears to him in accordance with
law.

....2.

2. The facts, in short, are that the father of the applicant was working as EDBPM Bambripur, District Auraiya since 11.1.1978. As per the applicant his father fell ill and the applicant was engaged as substitute w.e.f. 06.1.2001. The applicant's father sought voluntary retirement w.e.f. 8.1.2001. The grievance of the applicant is that inspite of having worked continuously without any interruption for three years, his services have been terminated without issuing any order. He has also not been given any show cause and thus, the principles of natural justice have been violated.

3. Shri Y.K.Saxena, learned counsel for the applicant submitted that the action of the respondents is arbitrary. They should have taken decision for his regul-risation or else initiated process for regular selection so that the applicant could participate in the selection. In fact he should have been removed as per law only by a regularly selected person. Learned counsel further submitted that though the applicant has filed a representation before respondent No.3(Annexure-4) with a copy to respondent No.3 no action has yet been taken by either of the respondents in deciding the representation of the applicant.

4. Learned counsel for the respondents, on the other hand, submitted that time should be granted to him to file counter, so that full facts may be brought on record. We do not consider it necessary to grant time to the respondents to file counter as the matter is very simple and the ends of justice could be easily met with direction to the respondents to decide the representation of the applicant which is pending before them within a specified time.



6. In view of the above ~~discussion~~, the O.A. is disposed of at the admission stage itself with direction to respondent No.2 to decide the representation of the applicant dated 06.02.2003 (Annexure 4) by a reasoned order within a period of three months from the date of receipt of a copy of this order. Though the representation is addressed to respondent No.4 and only a copy has been given to respondent No.2, we are of the view that in the interest of justice, respondent No.2 should decide the same.

7. There shall be no order as to costs.


Member-J.


Member-A.

RKM