

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Original Application No.1279 of 2003

Tuesday, this the 28th day of October, 2003

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

Brij Bhan Singh,
S/o Sri Jai Karan Singh,
aged about 32 years,
R/o Vill & Post- Ahmad Pur Pawan
Manauri , Allahabad.Applicant.

(By Advocate : Shri O.P.Gupta)

Versus

1. Union of India through Secretary,
Ministry of Communication,
Gpvt. of India, New Delhi.
2. Assistant Superintendent of Post Offices,
Central Sub- Division, Allahabad.
3. Senior Superintendent of Post Offices,
Allahabad Division, Allahabad.

.... Respondents.

(By Advocate : Shri R.C.Joshi)

ORDER

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

In this O.A. filed under Section 19 of A.T. Act, 1985, the applicant has prayed for quashing the Corrigendum letter dated 19.7.2003 and for direction to respondent No.2 for treating the intervening period as continuous from the date of passing of termination order dated 30.6.2003 and to provide all consequential benefits to the applicant of aforesaid continuity of service.

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2. The facts, in short, are that the applicant was appointed as E.D.M.C., Ahmad-pur Pawan under respondent No.2 i.e. Assistant Superintendent of Post Offices, Central Sub-Division, Allahabad. He was terminated by order dated 30.6.2003. Aggrieved by the same the applicant filed OA No.723/2003, which was allowed by order dated 9.7.2003. The termination order dated 30.6.2003 was quashed and the following order was passed :-

"For the aforesaid reasons, the OA is allowed. The impugned order dated 30.6.2003 (Annexure-A-12) issued by the respondent No.2 is quashed. The respondent No.2 is directed to re-engage the applicant immediately and treat the intervening period as continuous, from the date of communication of this order. However, the applicant shall not be entitled for any back wages. The applicant shall be allowed to continue on the post of EDMC, Ahmadpur Pawan till a regularly selected person is appointed. It is also directed that the candidature of the applicant shall be considered at the time regular selection is made, if applicant applies, keeping in view the merit and experience of the applicant. The OA is decided accordingly at the admission stage."

In pursuance to the order of this Tribunal dated 9.7.2003, the applicant was reinstated vide order dated 18.7.2003 and intervening period from the date of termination to the date of reinstatement ^{was} ~~was~~ ^{treated} as continuous.

3. The grievance of the applicant is that by the impugned Corrigendum letter dated 19.7.2003, the applicant's intervening period has been treated as continuous only from the date of communication of this Tribunal's order dated 9.7.2003. Learned counsel for the applicant submitted that the order of this Tribunal dated 9.7.2003 was served on the respondents on 18.7.2003 and the same day the applicant was reinstated. However, by the impugned Corrigendum

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(3)

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letter dated 19.7.2003, the respondents have ordered to treat the intervening period as continuous w.e.f. 18.7.2003 only.

4. Learned counsel for the respondents submitted that no illegality has been committed by the respondents and the order has been passed as directed by this Tribunal and there is no good ground for interference.

5. We have heard the counsel for the parties and have perused our order dated 9.7.2003. The intention of the Court has been that the applicant was to be re-engaged immediately from the date of communication of the order of this Tribunal. As regards the intervening period, we find substance in the submission of the learned counsel for the applicant that the entire intervening period has to be treated as continuous.

6. In the facts and circumstances and the aforesaid this OA is allowed at the admission stage itself. The impugned Corrigendum letter dated 19.7.2003 is quashed. ^{In respect of} The entire intervening period ^{of} the applicant from the date of termination i.e. 30.6.2003 to the date of reinstatement i.e. 18.7.2003 shall be treated as continuous. However, it is once more made clear that the applicant shall not be entitled for any back-wages, whatever, for the intervening period.

7. There shall be no order as to costs.


Member-J


Member-A

RKM