

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 01st day of December, 2003.

Original Application No. 1440 of 2003.

Hon'ble Mr. D.R. Tiwari, Member- A.

Nathu Ram Kushwaha, PA. Orai Head Post Office and  
Telegraph, Distt. Jalaun at Orai.

.....Applicant

Counsel for the applicant :- Sri A.R. Srivastava

V E R S U S

1. Union of India through the Secretary,  
D/o Post and Telegraph, Govt. of India,  
New Delhi.
2. Post Master General, Agra.
3. Senior Superintendent of Post, Jhansi Division,  
Jhansi.
4. Post Master, Head Post Office (H.S.G.I), Orai.

.....Respondents

Counsel for the respondents :- Sri R.C. Joshi

O R D E R

By this O.A the applicant has sought direction to  
the respondents to post the applicant on the post of  
SC counter/RD counter Assistant.

2. Learned counsel for the applicant has submitted that  
the applicant had passed the aptitude test on the pattern  
of incentive bonus scheme in the year 1990. The passing of  
this test entitles him to be posted on S.C/R.D counter. He  
also states that the present incumbent working at that  
counter has not passed the aforesaid test. His contention  
is that he made several representations to the authorities  
concerned for being posted at the S.C/R.D counter. These

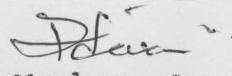
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representations are dated 04.10.2002, 28.10.2002 and 17.02.2003. It has been further stated that the applicant has also approached the Hon'ble High Court and after hearing counsel for the petitioner, the Hon'ble High Court, Allahabad has ordered that in accordance with the judgment of Hon'ble Supreme Court in L. Chandra Kumar Vs. U.O.I and ors. 1997 (3) SCC, 271, the Central Administrative Tribunal is the court of first instance in the matter of employees with the Central Government.

3. Learned counsel for the respondents has raised objection that the case is time barred. However, in view of the instructions of the Hon'ble High Court and also taking into consideration the representations mentioned above filed by the applicant would indicate that the applicant has been making genuine affords for getting himself appointed on the aforesaid post.

4. The interest of justice will better be served if the respondent No. 3 is directed to decide his representation within a stipulated time. The O.A is accordingly disposed of with direction to Senior Superintendent of Post, Jhansi Division, Jhansi (respondent No. 3) to decide the representation of the applicant within a period of four months by passing a reasoned and speaking order. To avoid delay, the applicant may file fresh representation alongwith copy of this order.

5. There will be no order as to costs.

  
Member- A.

/Anand/