

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 13th day of July, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.

HON. MR. D. R. TIWARI, A.M.

O.A. No. 983 of 2003

Smt. Pushpa Singh, aged about 25 years W/O Shri Vinod Kumar Singh R/O Village & Post Shobha, Chhapra, District Ballia.....

.....Petitioner.

Counsel for petitioner : Sri R. Verma.

Versus

1. Union of India through the Secretary, Ministry of Communication (Dept. of Posts), Dak Bhawan, New Delhi.
2. The Post Master General, Gorakhpur Region, Gorakhpur .
3. The Superintendent of Post Offices, Ballia Division, Ballia.
4. Shri Om Prakash Pandey S/O Late Shri Indrasan Pandey R/O Village & Post Sita Kund, New Basti, District Ballia.

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.....Respondents.

Counsel for respondents : Sri S. Singh & Sri Vijai Prakash.

O R D E R (ORAL)

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri R. Verma, learned counsel for applicant, Sri Vijai Prakash, learned counsel for Respondent No.4 and Sri V.K. Singh, holding brief of Sri S. Singh, Senior Standing Counsel for Union of India. We have also perused the pleadings.

2. Though the case is listed for admission, we proceed to dispose it of finally on the basis of arguments of counsel for the parties.

3. ~~Challenged~~ ^{to} herein is the validity of order dated 13.8.2003 annexed as Annexure A-1, passed by the Superintendent of Post Office, Ballia Division, Ballia ^{passed} in exercise of power under the proviso to Rule 8(2) and of the department of posts GDS (Conduct & Employment) Rules, 2001 thereby

(Signature)

terminating the services of the applicant and directing that she would be entitled to a sum equivalent to the amount of her basic allowance plus D.A. in lieu of notice of one month or for the period by which such notice falls short of one month. It appears that a vacancy occurred in the post of Extra Departmental Branch Post Master, Daya Chhapra, District Ballia due to the retirement of the incumbent. The vacancy was notified and as many as 21 applications were received in pursuant to the notification. However, only six applications were found to be valid and others were rejected being invalid. On consideration of the applications, the applicant, who had secured 67.34% marks in matriculation, was appointed. Shri Om Prakash Pandey filed O.A. No.1321/02 challenging the appointment of the applicant. The said O.A. was disposed with a direction to the Post Master General to decide the representation of Sri Om Prakash Pandey by means of a reasoned order in accordance of law within a period of four months. Pursuant to the said direction, by his order dated 30.6.2003, the Post Master General held that proper verification was not made for the purposes of ascertaining genuineness of the certificate and marksheets of Om Prakash Pandey. The appointment of the applicant was found to be irregular. It was on this finding recorded in the order dated 30.6.2003 (Annexure-XVI) that the Post Master General, Gorakhpur Region, Gorakhpur set aside the appointment of the applicant on the post of Branch Post Master, Daya Chhapra, Ballia and directed the Superintendent of Post Office, Ballia to take further action in the matter after completing all formalities as per observations made in the order. The impugned order dated 13.8.2003 came to be passed by the Superintendent of Post Offices thereby terminating the services of the applicant in the light of the aforesaid order passed by the Post Master General. However, it appears that the Superintendent of Post Offices, Ballia has not taken further decision in the matter after completing

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the necessary formalities and enquiry as stipulated in the order passed by the Post Master General, Gorakhpur Region, Gorakhpur. The appointment of the applicant may be sustained only, in case, after enquiry, it is found that the marksheets and the certificate relied on by the 4th respondents are not genuine. It would meet the ends of justice if the O.A. is disposed of with a direction to the Superintendent of Post Offices to take final decision after making due enquiry as contemplated in the order passed by the P.M.G., Gorakhpur Region, Gorakhpur within a period of two months from the date of receipt of a copy of this order. In the mean time it would be open for the P.M.G. to make alternative arrangement or to permit the applicant to continue on the post till final decision in the matter is taken pursuant to the order passed by the Post Master General, Gorakhpur Region, Gorakhpur.

4. Accordingly, the O.A. is finally disposed of in terms of the above direction with no order as to costs.

Dhia
A.M.

Regd
V.C.

Asthana/