

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1076 OF 2003

ALLAHABAD THIS THE 23rd DAY OF OCTOBER 2008

HON'BLE MR. JUSTICE A. K. YOG, MEMBER-J
HON'BLE MR. K. S. MENON, MEMBER-A

Bhanu Prakash Tripathi,
Son of Shri Chhote Lal,
R/o Village-Khulauli,
P.O. Khulauli, District-Azamgarh.

..... . Applicant

By Advocate : Shri L. M. Singh
Sri O.P. Singh Sikarwar.

Versus

1. Union of India through the Secretary,
Ministry of Communication,
Department of Posts,
Government of India, New Delhi.
2. The Director, Postal Services,
Office of the P.M.G., Gorakhpur Region,
Gorakhpur.
3. The Senior Superintendent of Post Offices,
Azamgarh Division, Azamgarh.
4. The Sub Divisional Inspector of Post offices,
Sub Division, Phoolpur, District-Azamgarh.

..... . Respondents

By Advocate : Shri R. K. Tiwari

O R D E R

DELIVERED BY JUSTICE A. K. YOG, MEMBER-J

Heard learned counsel for the parties and perused
the pleadings.

2. According to the applicant he was appointed as Gramin Dak Vitarak previously known as Extra

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Departmental Runner-cum-Extra Department Delivery Agent-E.D.R. cum E.D.D.A. According to the applicant he was given provisional appointment letter dated 23.01.2003 for three months/01.02.2003 to 30.04.2003. According to the applicant he was relieved on 07.07.2003. Applicant contends that he has been relieved by means of impugned order dated 04.08.2003 passed by respondent no.4/ Sub Divisional Inspector of Post offices, Sub Division, Phoolpur, District-Azamgarh. Applicant contends that he deserved to be considered for regular appointment as per relevant departmental Rules. Feeling aggrieved present OA was filed for redressal of his grievance.

3. According to the pleadings contained in the OA applicant had filed representation raising his grievances which has not been decided on merit till date. Reference may be made to sub paras of para 4 of the OA. Learned counsel for the respondents admits that there is no denial of above fact in the counter-reply filed by the respondents.

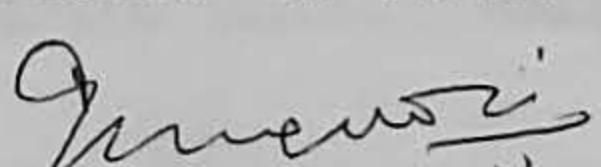
4. Consequently, We are not inclined to adjudicate disputed issues on merit in this OA at this stage in as much as the same require decision on facts, which require perusal of original record also. Departmental authorities are in a better position to undertake this exercise. Considering nature of the grievance raised by the applicant in the instant case, we are of the opinion that grievance of the applicant raised in said

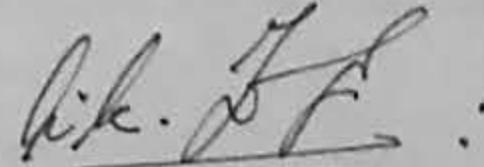
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representation be decided by passing speaking/reasoned order (instead of the Tribunal to adjudicate the 'lis' in the present OA.

5. In view of the above, we direct the applicant to file certified copy of this order along with copy of this OA with all annexures and 'additional representation' before respondent no.2/Director, Postal Services, Office of the P.M.G. Gorakhpur Region, Gorakhpur within four weeks from today provided certified copy of the order is filed within the time stipulated above, decide the same within two months within stipulated period of time by passing a speaking/reasoned order in accordance with law. Decision taken shall be communicated to the applicant forthwith.

6. The OA stands finally disposed of subject to above observations. It is informed by the learned counsel for the applicant that applicant has been working under interim order till date. We also provide that working of the applicant under interim order shall not be disturbed and his working in the department shall abide by final order on the representation (contemplated above) passed by the authorities. No Costs.


(K. S. MENON)
Member-A


(JUSTICE A. K. YOG)
Member-J

/ns/