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Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 665 of 2006

Wednesday this the 29th Day of November 2006

Hon'ble Dr. K.B.S. Rajan, Member (J)
Hon'ble Mr. M. Jayaraman, Member (A)

Smt. Umda Kumari, W/o Shri Akhilesh Kumar Singh, resident of Village and Post-Kharagpur, Tehsil Mehnagar, District-Azamgarh.

Applicant

By Advocate Shri Virendra Pratap

Versus

1. Union of India through its Secretary, Ministry of Communication (P & T) Dak Bhawan, New Delhi.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. Senior Superintendent of Post Offices, Azamgarh.

Respondents

By Advocate Shri Saumitra Singh.

ORDER

By Dr. K.B.S. Rajan, Member (J)

By virtue of an earlier Order dated 02.02.2005 in O.A. No.1641 of 2004, the Tribunal directed as under: -

"2. The grievance of the applicant is that till date respondents have failed to provide appropriate alternative employment to the applicant pursuant to the direction given by the Tribunal vide Judgment and Order dated 27.05.1994 rendered in O.A. No.399/93 in Smt. Umda Kumar Vs. Union of India and others. The Office has pointed out certain objections including the one that the Original Application is barred by time. Learned counsel for the applicant has filed Misc. Application no.418/95 praying for condonation of delay in filing the O.A. In fact, it being a case of mandamus, the question of delay may not arise. However, delay, if any, is condoned and having regard to the direction given by the Tribunal in the earlier case and the allegation that the respondents have failed to provide appropriate alternative employment to the applicant in any Branch Post Office, the present Original Application is disposed of with direction to the respondents that in case, the applicant moves an application to the Senior Superintendent of Post Office, Azamgarh, he shall look into the grievance of the applicant and provide her alternative appointment as per order given by the Tribunal in the earlier case within a period of three months from the date of receipt of a copy of this order. Accordingly, the O.A. is disposed of. No costs."

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2. In pursuance of the above Order, the applicant has been given alternative employment of E.D. Runner, as per her own willingness. The claim of the applicant

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through this O.A. is that her past services from 06.06.1987 to 12.08.1993, as E.D.B.P.M. should be counted for the purpose of seniority etc.

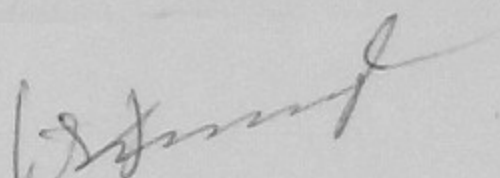
3. The respondents have contested the Original Application on the ground that earlier post held by the applicant was that of E.D.B.P.M. Since February 2005, the applicant has been working only as E.D. Runner and since both the posts are of different nature, the past services of the applicant cannot be counted.

4. Perused the pleadings and heard the counsel for the respondents.

5. The earlier post held by the applicant was of higher responsibility compared to the one, which the applicant is at present holding. As such, the applicant is entitled for count^{ing} of past services as if she had performed the duties of E.D. Runner and benefit of such past services in respect of seniority as per rules should be available to the applicant.

6. In view of the above, the O.A. stands disposed of with direction to the respondents to count the services of the applicant from 06.06.1987 to 12.08.1993 and add the same to the present services of the applicant as E.D. Runner and the benefit flowing there from should be made available to the applicant. No costs.


Member (A)


Member (J)

/M.M./