

25.01.2006

Mr. P.C. Verma, counsel for the applicant.

Mr. Vinit Mathur, counsel for the respondents.

The learned counsel for the applicant submits that he may be allowed to withdraw this O.A. on the ground that relief claimed for has already been accorded to the applicant. The permission to withdraw the O.A. is allowed. The interim relief already granted stands vacated forthwith.

(J K Kaushik)
Judl. Member

(V K Majotra)
Vice Chairman

Part II and III destroyed
in my presence on 3/4/14
under the supervision of
section officer () as per
order dated 31/1/2014

Section Officer (Record)

Original Application No. 25/006
Date of order 31/01/2006

Mr. H.S. Shrivastava, counsel for the applicant.

Interim relief granted for the applicant regarding admission as well as the interim relief.

The Original Application is admitted. Issue notice to the respondents after admission of this case returnable on 22.01.2006. Notice be given to the learned counsel for the applicant for service on the respondents.

As regards the interim relief, the learned counsel for the applicant has submitted that the respondents issued a notification vide which applicant and were invited for working on the post of Group 'D' and Postman during the period when there is vacancy due to the leave or otherwise on the said post. The applicant applied for the same and has been working on the post of Postman but the respondents have adopted an unfair practice of giving certain gaps while allowing the incumbents to work on the said post. Similarly, the applicant has now been ordered to be relieved keeping the post vacant. He has also submitted that neither any selection has been held for the post of Postman nor any selected candidates is otherwise given the appointment but the applicant has been ordered to be relieved keeping the post vacant for no good reason except to give artificial break. He has contended that the applicant has never been ordered to continue on the said post till he is replaced by the only selected candidate. He has also submitted that the change of the post is still with the applicant and he has not so far been relieved and the impugned order Annexure VI has not so far been given effect to.

I have considered the submissions and pleadings put forth on behalf of the applicant. Keeping in view of the facts and circumstances of the case and law laid down by the Apex Court in State of Haryana vs. Pargat Singh reported in AIR 1991 page 2150, I find it expedient that the order of the impugned order dated 31.01.2006 (Annexure VI) should be stayed till the next date. Ordered accordingly.

(J K KAUSHIK)
Judicial Member

R/1 cap

30/1/06

Copy Received

Praveen Chakrabarty
30/1/06

V K Majotra

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