

CENTRAL ADMINISTRATIVE TRIBUNAL

O. A. NO. 21/2009 & M.A. No. 11/2009
JODHPUR. THIS IS THE 14th FEBRUARY 2011.

CORAM :
HON'BLE MR. JUSTICE S.M.M.ALAM, MEMBER [J]
HON'BLE MR.SUDHIR KUMAR, MEMBER [A]

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Chandra Prakash Parashar S/o Shri Ram Niwas aged 38 years, G.D.S. Branch Post Master, Post Office, Dhanop, Via Kothian, District Bhilwara, R/o Village Dhanop, Via Kothian, District Bhilwara.

Applicant

Mr. Vijay Mehta, counsel for applicant.

VERSUS

- 1- Union of India through the Secretary, Ministry of Communication (Department of Post), Sanchar Bhawan, New Delhi.
- 2- Superintendent of Post Offices, Bhilwara.

Respondents.

Mr. Mahendra Godara proxy for Mr. Vineet Mathur, for respondents.

ORDER (ORAL)
[PER JUSTICE S.M.M.ALAM, MEMBER (J)]

Applicant, Chandra Prakash, has filed this O.A. seeking following reliefs :-

“The applicant prays that the respondents may kindly be directed to forthwith appoint the applicant on regular basis on the post of GDS BPM, Dhanop with all consequential benefits. Any other order, as deemed fit giving relief to the applicant may kindly be passed. Costs may also be awarded to the applicant.”

- 2- During the course of arguments it transpired that prior to filing of this OA, the applicant had preferred OA No. 68/95 before this Court for similar reliefs which was decided on 02.12.1999 whereby, the OA was dismissed. Against the said order, the applicant preferred a D.B. Civil Writ Petition No. 7/2000 which

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was disposed of by the Hon'ble High Court of Rajasthan at Jodhpur vide order dated 14.02.2001. It transpires that the Hon'ble High Court while disposing the said Civil Writ, has passed the following order :-

"In view of the above discussion, this petition is allowed. The impugned judgment and order dated 2.12.99 (Annex.8) dismissing the O.A. of the petitioner is hereby quashed and set aside. The O.A. No. 68/95 filed by the petitioner is accepted. The impugned advertisement dated 1.2.95 (Annex.4) is also quashed and set aside. The respondents are directed to consider the case of the petitioner on regular basis on production of necessary property certificate from the revenue department which the petitioner shall produce with the respondents within two months from the date of receipt of this order."

3- From perusal of the order of the Hon'ble High Court, it appears that the controversy has already been decided by the Hon'ble High Court and the Hon'ble High Court has categorically issued direction to the respondents to consider the case of the petitioner on regular basis on production of necessary property certificate from the Revenue Department by the petitioner. In view of the above order of the Hon'ble High Court, we are of the view that no fresh order or direction is required to be passed by this Tribunal.

4- Under the circumstances mentioned above, this OA stands disposed of with the observation that the Hon'ble High Court has already decided the issue involved in this OA.

5- In view of the order passed in OA, MA No.11/2009 appears to be infructuous and as such, the same is also disposed of.

(Sudhir Kumar)

AM

jrm

(S.M.M.Alam)

JM

दिनांक 2/6/16 के आदेशानुसार
वैसी उपस्थिति में दिनांक 9/6/16
को धारा-II व III नष्ट किए गए ।

अरुण कुमार
केन्द्रीय प्रशासनिक अधिकारी
जोधपुर न्यायपीठ, जोधपुर