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CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH,
LUCKNOW.

T.A.No. 1600/87(L)

Durga Prasad Srivastava ... Applicant

Vs.

Union of India & others ... Respondents

Hon. Mr. Justice U.C.Srivastava, V.C.

Hon. Mr. K. Obayya, A.M.

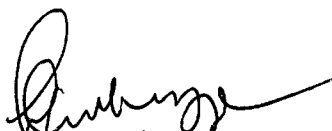
(By Hon. Mr. Justice U.C.Srivastava, V.C.)

This is a transfer application under section 29 of the Administrative Tribunals Act, 1985. The applicant filed a Writ Petition before the High Court praying to issue a Writ, order or direction in the nature of certiorari quashing Annexures No. 9, 10 and 11 to the Writ Petition and to issue a Writ, order or direction in the nature of mandamus commanding the opposite-parties to post the petitioner back as A.P.M, Head Office, Gonda or to an otherwise equivalent post. The Writ Petition was later on amended, during the pendency of this case.

2. The applicant's grievance is that he was appointed to the lower selection grade by the order of ~~xxx~~ Post Master General and as such he should not have been reverted by the Superintendent of Post Offices, which was done in violation of Article 311 of the Constitution of India, as no enquiry was held, no charge was communicated, and if any irregularity was committed during 1979 to 1982 the applicant was not holding charge during that period and as such he should not have been held responsible for

the lapses and purely because the Madhyamik Shikshak Sangh managed a 'Gherao' and proceeded on hunger-strike that could not be a ground to make the applicant a scape-goat, while retaining the juniors the applicant has been reverted which indicates that it was by way of punishment. By means of some amendment the applicant has questioned the action of the Departmental Promotion Committee, which rejected the case of the applicant and probably acted prejudicially and adversely.

3. The respondents in their reply have stated that the applicant was appointed only as a stop-gap arrangement. As the eligible official for the L.S.G. post became available/who was approved by D.P.C., the applicant had to make room for him and that is why he was reverted from the purely temporary adhoc and provisional local arrangement on which he was working. They have given the extract of the letter also which was sent in this behalf. The applicant was not selected by the Departmental Promotion Committee and that is why promotion was not given to him. The applicant has retired from service. Even otherwise no relief can be granted to him. Accordingly the application is dismissed.


Member (A)


Vice-Chairman

Dated: 27th August, 1992, Lucknow.

(tgk)