

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW

**Original Application No.361/2005
This the 22nd Day of September 2011**

**Hon'ble Mr. Justice Alok Kumar Singh, Member (J)
Hon'ble Mr. S.P. Singh, Member (A)**

Durgesh Kumar Singh, aged about 25 years S/o Sri Hari Singh Permanent R/o Village Kandalpur, P.O. Dhobha Rai, Distt, Gonda Presently posted as G.D.S. Branch Post Master, Mohammadpur, Distt. Gonda.

...Applicant.

By Advocate: Sri A.P. Singh.

Versus.

1. Union of India through the Secretary, Ministry of Communication, Department of Posts, Dak Bahwan, New Delhi.
2. Superintendent of Post Office, Gonda Division, Gonda.
3. Sub. Divisional Inspector, Post Offices Colonial Ganj, Sub Division, Gonda.
4. Post Master, Gonda.

.... Respondents.

By Advocate: Sri S.P. Singh holding brief for Sri S.K. Singh.

ORDER (Dictated in open Court)

By Hon'ble Mr. Justice Alok Kumar Singh, Member (J)

This O.A. has been filed for the following relief's:-

"(a). issue /pass an order or direction setting aside the impugned orders No.A-314/Mohammadpur dt.12.07.2005 passed by respondent No.2 as contained in Annexure Nos. A-1,A-2 & A-3 after summoning the original from records.

(b). Issue/ pass an order or direction directing the respondents not to interfere in the smooth functioning of the post office by the applicant at present place situated at Baraon Mohammadpur, Distt. Gonda and pay the T.R.C.A. to the applicant regularly."

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2. The applicant's case is that he is working on the post of G.D.S. BPM, Mohammedpur, District Gonda w.e.f. 09.06.2005. Surprisingly, the opposite party No.2 issued a letter/ show cause notice dated 12.07.2005, directing the applicant to make available the accommodation in village Mohammadpur for housing the post office within a period of one month saying that the post office is presently is being run in village Baraon and not in village Mohammadpur. The applicant submitted his reply to the effect that as per his undertaking given at the time of initial appointment the post office is being run in the same village and there is no complaint against him.

3. The respondents have formally contested the O.A. In para-20 of the Counter Affidavit, it has been said that the applicant was running the post office in village Baraon whereas, according to rules the Branch Post Office should be established in main postal village Mohammadpur. For this reason the show cause notice /letter was issued to the applicant. It has been further pleaded that after issuance of notice the applicant has now started running the post office in the main postal village Mohammadpur and now the same is working there.

4. In view of the above, no further action is required, according to the respondents as pleaded in para-20 of the counter affidavit.

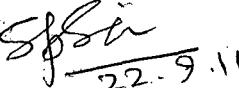
5. We have heard the learned counsel for the parties at length and perused the material on record.

6. In view of the aforesaid pleadings contained in para-20 of the counter affidavit, the impugned show cause notice/ letter has become meaningless as the respondents themselves do not intend

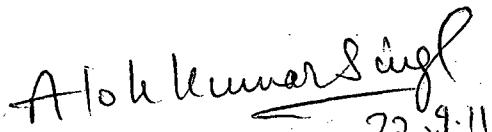
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to proceed in the matter because as desired by them the applicant is running the Post office in the main postal village Mohammadpur. Therefore, first relief has become redundant. Similarly, no further direction is required to be issued to the respondents restraining from interfering in the smooth functioning of the post office and as such the second relief has also become redundant.

7. In view of the above, this O.A. is finally disposed of. No order as to costs.


22.9.11

(S.P. Singh)
Member (A)


22.9.11

(Justice Alok Kumar Singh)
Member (J)

Amit/-