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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Lucknow this the 8th day of may, 1996.

O.A. No. 247/90

HON. MR. JUSTICE B.C. SAKSENA, V.C.

HON. MR. V.K. SETH, MEMBER(A)

Rajendra Prasad aged about 20 years son of Sri Behari Lal resident of village Manapur Hamlet of Umrapur District Hardoi.

Applicant.

By Advocate None.

versus

1. Union of India through Ministry of Communication through its New Delhi.
2. Superintending of Post offices, Hardoi.
3. Assistant Superintendent of Post Offices-sub Divisional Sandila Hardoi.
4. Sub Divisional Inspector (Central) Post Office, hardoi.

Respondents.

By Advocate Km. Asha Chaudhari.

O R D E R (ORAL)

HON. MR. JUSTICE B.C. SAKSENA, V.C.

No one responded on behalf of the applicant when the case was called out. We have heard the learned counsel for the respondents Km. Asha Chaudhari and have been taken through the pleadings.

2. The applicant was by an order dated 15.6.89 (Annexure-1) was approved for appointment as a Substitute E.D. Runner. One Ravindra Kumar, E.D.A Sursa, Hardoi, on his request was ordered to join as E.D.A. and the applicant was offered vice said Shri Ravindra kumar on his own liability to work as a Substitute.

3. In the Counter Affidavit it has been indicated

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that one Shri Awdhesh Narain Dixit was involved in a criminal case of having allegedly murdered his daughter in law for payment of dowry. He was convicted and sentenced with imprisonment of five years. Consequently, the services of Shri Avdhes Narain Dixit were terminated. The said Shri Avdhes Narain Dixit filed O.A. 211/88 against the order of termination and by a judgment rendered in the said O.A. the termination order dated 5.6.1987 was quashed and it was left to the competent authority to re-examine the case and pass a fresh order with respect to the conduct of the applicant which had led to his conviction in accordance with law. In the Counter Affidavit, it has further been explained that Shri Avdhes narain Dixit was given an opportunity to explain his conduct. In his representation he could not explain his clear position which led to his conviction and as such he was removed from service by an order dated 29.8.89.

4. Against this order of removal the said Shri Avdhes Narain Dixit filed another O.A. No. 269/89. This O.A. was allowed and the order was quashed. Shri Avdhes Narain Dixit was reinstated in service and he took over the charge on 29.8.90. On his taking over charge, since the applicant was merely a substitute for Shri Ravindra Kumar, was discharged from service.

5. The only ground taken to challenge the order is that the applicant had put in more than 240 days and the order of discharge had been passed without compliance with section 25-F of the Industrial Disputes Act. In the Counter Affidavit this plea has been countered and it has been averred that since the applicant was merely a substitute and was not an

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employee of the Postal Department, he will not be governed by the provisions of Industrial Disputes Act. We find force in this submission. No other point has been raised. The O.A. is therefore, dismissed. No costs.

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MEMBER(A)

B. Saksena

VICE CHAIRMAN

Lucknow; Dated: 8.5.96

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