

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

T.A. No. 1056/87
(Writ Petition No; 2614/87)

R.D.Verma

Petitioner

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C.Srivastava, V.C.
Hon. Mr. A.B. Gorthi, Adm. Member.

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

This is a transferred application under section 29 of the Administrative Tribunals Act, 1985. The petitioner has prayed for quashing the appointment of opposite party No. 5 and to quash the advertisement and order of O.P. No. 3 contained in Annexures 2 and 3, and to allow the petitioner to continue in service.

2. The respondents issued an advertisement to fill up the post of Extra Departmental Delivery Agent-cum-Extra Departmental Mail Peon in Tekra Kalam Post office in District Barabanki but in the advertisement it was nowhere stated that the post is temporary, permanent or the appointment was provisional. The applicant was selected and joined the service as EDDA cum EDMC from 7.2.80 and since then he worked as such but on 19.1.82 an advertisement was again issued for filling the post of EDDA cum EDMC

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in post office Tera Kalan District Barabanki. The petitioner filed representation against the same before the respondent No. 2, i.e. Director of Postal Services, P.M.G. office, Lucknow, who directed the respondents to consider the candidature of the petitioner. The petitioner, under protest applied for the said post second time. This time one Rajendra opposite party No. 5 was appointed who was not selected earlier and the applicant was not selected and ^{hence} ~~this~~ the applicant filed writ petition.

3. The respondents have resisted the claim of the petitioner and stated that the decision to open a new post office at Tarkakalan was taken and it was to be opened in the month of February, 1980 and that is why the advertisement was issued. No such document has been filed which may indicate that the appointment was provisional, and that is why the appointment was cancelled and the second appointment was made. It appears that the applicant was wrongly deprived of the appointment without any just and proper cause. The application deserves to be allowed but in view of the fact that another person is working on the post for the last several years, he will not be ousted, the respondents are directed to allow the applicant to continue on the said post without ^{any} ~~back~~ wages or to give him another appointment ² ~~treating him giving him a service~~ benefit of past. He may be continued to ~~allow~~ on the same post office and the opposite party No. 5 to be transferred somewhere else.

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4. Accordingly, this application is disposed of with no order as to costs.

Shakeel
Adm. Member.

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Vice Chairman.

Lucknow Dated 1.5.92.

Shakeel/