

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH, LUCKNOW.

ORIGINAL APPLICATION NO.192/92.

this the 27th day of May'99.

HON'BLE MR D.C. VERMA, MEMBER(J)

HON'BLE MR A.K. MISRA, MEMBER(A)

Smt. Urmila Devi, wife of Shri Ravindra Nath Misra, resident of Village Kumharanpurwa, Post Office Ailanpur Grant, District Gonda.

Applicant.

By Advocate: Shri P.L. Misra.

Versus.

Union of India through the Post Master General, Uttar Pradesh, Lucknow.

2. The Superintendent of Post offices, Gonda Division, Gonda.

3. Ram Shanker Misra, aged about 42 years, S/o Mohan Lal Misra, R/o Village Ailanpur Grant, Post Ailanpur District Gonda.

Respondents.

By Advocate: None.

O R D E R (O R A L)

D.C. VERMA, MEMBER(J)

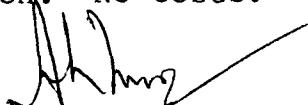
One Shri Ram Shanker Misra was appointed as E.D.B.P.M., Ailanpur Grant Post Office, District Gonda. On complaint made by Smt. Urmila Devi, the present applicant, appointment of Shri Ram Shanker Misra was terminated under Rule 6 of E.D.A. (Service & Conduct) Rules, 1964 (hereinafter mentioned as Rules of 1964). Smt. Urmila Devi was given appointment. Ram Shanker Misra filed O.A. No. 229/91 to challenge his termination order. The O.A. was allowed vide order dated 27.1.92 ~~by which~~ ^{and} order of termination was quashed. Consequently, the appointment of Smt. Urmila Devi was terminated vide order impugned in the present O.A. and Ram Shanker Misra was

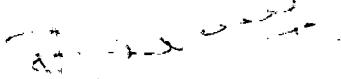
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directed to take-over charge. Ram Shanker Misra, however, could not take charge as Smt. Urmila Devi has filed the present O.A. and obtained stay order from this Tribunal. Consequent to the stay order granted by this Tribunal to Smt. Urmila Devi, ^{she} is still working on the said post. ~~and~~ Now Ram Shanker Misra, who was impleaded as respondent No.3 in the present O.A. has died and his name has been deleted from the array of the parties.

2. As per the respondents' case, appointment of the applicant Smt. Urmila Devi as E.D.B.P.M., Ailanpur Grant, District Gonda, was after observing all the departmental procedure as required under the Rules. Therefore, ~~the~~ ^{the} ~~appointment~~ Smt. Urmila Devi is a regularly appointed candidate and her appointment could not have been terminated in the manner, it has been done vide order impugned in the O.A.

3. In view of the above, the O.A. is allowed. The order of termination dated 24.4.1992 is quashed. The applicant, who is still working on the post of E.D.B.P.M., is allowed to work as such. No costs.


MEMBER (A)


MEMBER (J)

LUCKNOW:DATED:27.5.99

Girish/-