

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

LUCKNOW

Lucknow this the 30th day of June, 99.

O.A. No. 361/92

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

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

Mukit Behari Lal, aged about 32 years, son of late Brij Mohan Lal, Resident of Village Chhidwai Patti, Post Office Chhidwai Patti, District Kheri.

Applicant.

None for applicant.

versus

1. Rajendra Prasad C/o Superintendent, Post Kheri, District Kheri.
2. Director Postal Services, Lucknow.
3. Union of India through Secretary, Postal Department, Govt. of India(Dak Bhawan), New Delhi.

Respondents.

By Advocate Dr. D. Chandra.

O R D E R (ORAL)

D.C.VERMA, MEMBER(J)

By this O.A., the applicant has challenged the enquiry report dated 6.8.91 and has also prayed that the order of termination be quashed.

2. The brief facts of the case are that the applicant was appointed vide order dated 13.8.89 against a clear vacancy as Extra Departmental Branch Post Master (E.D.B.P.M.) Chhidwai Patti, Post office, District Kheri. The services of the applicant were, however, terminated by order dated 18.4.88 and one Rajendra Prasad was appointed as E.D.B.P.M. The applicant challenged the said order of termination by filing O.A. 535/88 Mukut Behari lal vs. Rajendra Prasad and otehrs. The Tribunal, while deciding the said

passed the following order:

"Accordingly, this application is allowed to the extent that the respondents are directed to make enquiry into the matter and decide the same in accordance with the relevant rules and in case it is found that the applicant was rightly appointed, then termination order will be deemed to be quashed and he will be restored with continuity to the post again on which he was appointed and subsequent appointment will be deemed to be non-existent. Let the compliance of this decision be made within 3 months of the communication of this order. parties to bear their own costs."

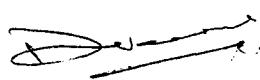
3. In compliance of the aforesaid order of the Tribunal, the department held an enquiry. The applicant was also associated with the said enquiry. The enquiry report is dated 6.8.91. The report shows that the applicant had appeared before the officer enquiring into the matter. Thus, the applicant was given sufficient opportunity before the impugned order was passed. The order of the Tribunal in O.A. 535/88 became final as none of the parties filed any Review or SLP. ~~and~~ As the same is not indicated in the pleadings. As per the order of the Tribunal, the termination order stands, as the same was deemed to be quashed only if in enquiry the applicant was found rightly appointed. The enquiry report shows that the applicant was not rightly appointed on the post of E.D.B.P.M. Consequently, in terms of the order of the Tribunal passed in O.A. 535/88, the effect is

that the order of termination passed against the applicant is valid. Once a decision has been taken by the Tribunal in O.A. 535/88 and that decision has become final, the same cannot be re-adjudicated in subsequent O.A.s i.e. present O.A. 361/92.

4. We have also considered and examined the enquiry report and we do not find any infirmity in the report dated 6.8.91.

5. In view of our discussions made above, we find no merit in the O.A. The O.A. is therefore, dismissed. Costs easy.

  
MEMBER (A)

  
MEMBER (J)

Lucknow; Dated 30.6.99.

Shakeel/