

Central Administrative Tribunal Lucknow Bench Lucknow

R.A. 23/2006 In O.A. 12/2005.

This, the 1<sup>st</sup> day of June, 2007.

Hon'ble Mr. Justice Khem Karan, Vice Chairman.

Hon'ble Mr. A. K. Singh, Member (A)

Om Prakash aged about 27 years S/o Late Sri Ram Swarup R/o Village & P.O. Sikendarpur Kailoo (Anjhi Ds) District Hardoi.

...Applicant.

By Advocate Shri R.S. Gupta.

Versus

1. Union of India through the Secretary Department of Post Dak Bhawan, New Delhi.
2. Chief Postmaster General, U.P. Lucknow.
3. Superintendent of Post Offices Hardoi/Sitapur.

...Respondents.

By Advocate Shri S. P. Singh.

Order (Oral)

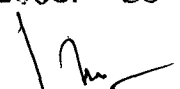
By Hon'ble Mr. Justice Khem Karan, Vice Chairman.

Applicant Om Prakash applied for appointment on the post of Postal Assistant on compassionate grounds. There is no dispute that he was duly approved for such appointment and also went through theoretical and practical training for a period of 3 ½ months at different places as per rules. Likewise, one Shri Ram Babu Tripathi, was also approved for such appointment, on compassionate ground and he also received theoretical and practical training. Subsequently, applicant received a communication dated 27.4.2001 asking him to give his willingness as to whether he was ready to work as G.D.S. He gave his consent and was given posting as GDS. <sup>and started working as such.</sup> Shri Ram Babu Tripathi filed one O.A. 555/2001 before this Tribunal, challenging similar offer of appointment for the post of GDS and he ~~started working~~ as such. His petition was <sup>L</sup> allowed with an option to him to join or

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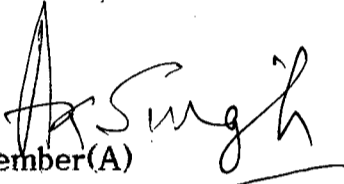
not to join GDS and it appears that after the orders in that O.A., he joined as GDS and after working for some time, was given appointment as Postal Assistant in compliance of order in that O.A.. Later on, the present applicant also filed this O.A. 12/2005, claiming appointment on the post of Postal Assistant saying that since, Ram Babu Tripathi had been given that benefit, so he should also be given that appointment on the post of Postal Assistant.. There was a contest from the side of the respondents. Vide order dated 9.5.2006, this Tribunal dismissed the O.A. of present applicant saying that he cannot compare his case with that of Shri Ram Babu Tripathi for the reason that Shri Tripathi did not join GDS while, the applicant did. Other grounds were also given.

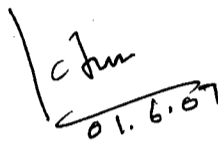
2. Shri R.S. Gupta has contended that there is an apparent error in the order dated 9.5.2006 of this Tribunal, as Ram Babu Tripathi had also joined as GDS before he was given appointment on the post of Postal Assistant on compassionate grounds. During the course of hearing of this Review, we have been informed that though, Shri Ram Babu Tripathi joined as DGS, <sup>but</sup> after the decision of this Tribunal in his O.A., <sup>^</sup> the grievance of the applicant that the case of present applicant is similar to the case of Ram Babu Tripathi may be correct, if viewed from all the angles but, we find it difficult to say that there is any error in our order dated 9.5.2006. Whatever, the material was placed before us, order proceeded on the basis of that material. The fact that Shri Ram Babu Tripathi joined as GDS, was not borne out from the material then available on the record of O.A. No. 12/2005. So we think, there are no good grounds for review.



3. Shri Gupta has also referred to letter dated 13.3.90, issued by Government of India department of Post which is addressed to the Chief Post Master General regarding appointment of GDS on compassionate grounds. ~~Even~~ Shri Gupta is free to take this <sup>point</sup> ~~advantage~~ before the higher forum, but here we are not supposed to entertain fresh material and then to sit over our own order so as to decide whether the same was correct or incorrect.

3. So, the review is dismissed. No costs.

  
Member(A)

  
01.6.07  
Vice Chairman.

V.