

**Central Administrative Tribunal, Lucknow Bench, Lucknow**

**Original Application No. 228/2006**

this the 10<sup>th</sup> day of May, 2006

**HON'BLE JUSTICE SHRI KHEM KARAN, VICE CHAIRMAN**  
**HON'BLE SHRI N.D. DAYAL, MEMBER (A)**

Aditya Prakash Dwivedi aged about 33 years son of Sri Kamla Kant Dwivedi, Ex. EDDA Kunwal R/o Village and P.O. Kundwal (Achar) District Raebareli joined G.D.S., EDDA, Kundwal on 10.11.1997 3.5.2000, appointed

..Applicant

By Advocate: Shri R.S. Gupta

**Versus**

1. Union of India through the Secretary, Department of Post, Dak Bhawan, New Delhi.
2. Superintendent of Post Offices, Raebareli
3. S.D.I (S) Raibareli.

..Respondents

By Advocate: Shri Atul Dixit for Dr. Neelam Shukla

**ORDER (ORAL)**

**By HON'BLE JUSTICE SHRI KHEM KARAN, VICE CHAIRMAN**

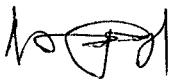
Heard Shri R.S. Gupta, Counsel for applicant and Sri Atul Dixit brief holder for Dr. Neelam Shukla, on this O.A. and perused the contents of the application and papers annexed with.

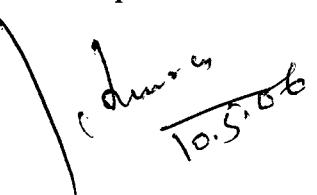
2. The applicant has come with a prayer that the respondents be directed to provide him alternative employment on the post of EDAS (GDS MC/MP) at Achar Post Office.
3. His case is that, he worked as EDDA, Kundawal from 10.11.97 to 6.9.2005, on the basis of orders dated 10.11.97 and 3.5.2000 (Annexure 3 and 4) and it was on 6.9.2005 that his services were terminated. He alleges that he gave representations on 7.9.2005 and 20.9.2005 (Annexure 5 and 6) for his absorption but with no result. Reference Telegraph Letter No. 43-4/77-Pen

dated 18.5.1979, para 2 (Annexure 7) and to circular of 23.2.1979 (Annexure 8) has been made, so as to claim absorption or re-engagement. A few order passed by this Tribunal, in like matters, has also been made in para 4.6 and 4.7 of the Original Application.

4. We are of the view that this O.A. can be disposed of with suitable direction to the respondent No. 2. The claim of the applicant that his appointment on the post of EDDA, Kundawal vide Annexure 3 & 4 was regular one, is not supported by Annexure A-4 dated 3.5.2000. It was a stop gap arrangement due to pending litigation. The arrangement come to an end on coming back <sup>of</sup> <sub>to</sub> Shri Rakesh Kumar Dwivedi. Realizing the situation, <sup>is</sup> that <sub>the</sub> discontinuation was in terms of appointment letter dated 3.5.2000, the applicant has not challenged the same, instead has staked a claim for re-engagement in terms of Rule 15 of the Rules of Departmental of Post Gramins' Dak Sewak (Conduct and Employment) Rules 2005, and the circulars dated 23.2.1979 etc. The applicant has already given representation for considering his case for reengagement and there appear no harm if the authority concerned is asked to consider the same in the light of relevant Rules and orders in that subject.

5. So this O.A. is finally disposed of with a direction to the respondent No. 2 to consider the representation (copy of which Annexure 6) of the applicant for alternative employment as ED Agent, in the light of the relevant rules and orders on the subject <sup>as</sup> within a period of 2 months from the date certified copy of the order together with the copy of the said representation is produced before him. No costs.

  
(N.D. Dayal)  
Member (A)

  
(Khem Karan)  
Vice Chairman