

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH, LUCKNOW.

ORIGINAL APPLICATION No. 187 of 1990.

this the 4th day of January'2000.

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

Azad Hussain, aged about 23 years, S/o of Mohd. Mendi, resident of Village & Post Kurha Keshavpur, Tehsil bikapur, District Faizabad.

Applicant.

By Advocate: None.

Versus.

Union of India through the Secretary Ministry of Communication, Information & Broadcasting, New Delhi.

2. Parwar Dak Adhikshak, District Faizabad.
3. Raj Karan, S/o Ram Pher, resident of Rampur Sarai, Tehsil Bikapur, District Faizabad.

Respondents.

By Advocate: Dr. D. Chandra.

O R D E R (O R A L)

D.C. VERMA, MEMBER(J)

By this O.A., the applicant has prayed for quashing of the appointment of the respondent no.3 namely Raj Karan on the post of EDBPM, Kurha Keshavpur, Tehsil Bikapur, District Faizabad and for making appointment as per the advertisement contained in Annexure-1 from amongst the persons who submitted their applications upto 9.8.86.

2. As per the facts contained in the O.A., applications were invited and names were also called-for from the Employment Exchange for the post of EDBPM. As per the advertisement (Annexure-1) dated 17.7.86, the applicant made an application. Meanwhile, Raj Karan (respondent

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no.3), who was a retrenched employee was temporary engaged to look-after the work of EDBPM, Kurha Keshavpur, District Faizabad till the final appointment was made. However, the applicant filed a Writ petition before the Hon'ble High Court. The said Writ petition was finally rejected. Subsequently, the selection process was completed and the respondent no.3 namely Raj Karan, who was a retrenched employee and had been working as EDDA, was finally appointed vide order dated 19.8.88. The respondent no.3 resumed duty on the said post on 20.8.88. Aggrieved by that order, the applicant filed the present O.A. in May'90.

3. As none appeared for the applicant, we have with the help of the learned counsel for the respondents examined the pleadings on record and we find that though Counter was served and filed in the year 1990, no Rejoinder thereto has been filed by the applicant till date. The respondents taken the plea of limitation. The respondent no.3 was given appointment in the year 1988 and the respondent no.3 ~~had~~ took over the charge on the post of EDBPM on 20.8.88. The present O.A. was filed on 28.5.90 i.e. more than one year after the appointment of the respondent no.3. In the circumstances, the present O.A., in view of the section 21 of the Administrative Tribunals Act, 1985, is barred by limitation.

4. The respondents' case is that the respondent no.3 namely Raj Karan was a retrenched employee as he had already worked as EDDA. This fact is not controverted by the applicant. Consequently, being a retrenched employee, the respondent no.3 had a preferential claim on the post of EDBPM. The appointment of the respondent no.3, therefore, cannot be said to be not in accordance with law.

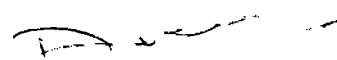
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5. In view of the discussion made above, the O.A. has no merit and the same is dismissed with no order as to costs.



MEMBER (A)



MEMBER (J)

LUCKNOW: DATED: 4.1.2000.

GIRISH/-