

(14)

CIVIL APPEAL NO. 192/90, L.D. 13.3.90

CIRCUIT BENCH.

LOCATION:

Date of decision: 16.3.90

O.A. 192/90(L)

Shrawan Kumar

...Applicant.

versus

Union of India & ors.

...Respondents.

Hon. Mr. P. Srinivasan, Adm. Member.

Hon. Mr. J.P. Sharma, Judl. Member.

(Per Hon. Mr. P. Srinivasan, A.M.)

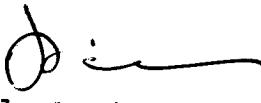
This application has been listed before us for admission with notice to the respondents. Shri S.P. Subey appears for the applicant. Shri Dinesh Chandra appears for the respondents. Both have been heard. We feel that the application can be disposed of at this stage itself with suitable directions to the respondents. We proceed to do so.

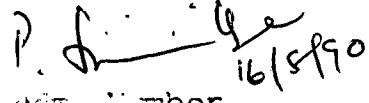
2. The applicant was appointed as Extra Departmental Pecker at Priveni Talaar branch post office by order dated 28.12.89 passed by Assistant Superintendent of Post Offices, North Sub Division, Lucknow. However, the appointment was promptly cancelled on the next date i.e. 29.12.89 by the A.S.P. (North), Lucknow on receiving instructions from the Senior Superintendent of Post Offices, Lucknow. The applicant is aggrieved with this order of cancellation, having failed before the authorities. What emerges from the arguments before

us is that ^a certain Hemnath who was working as Extra Departmental Packer at Birhana post office, was deployed to work as Extra Departmental Packer at Triveni Nagar where no such post was available but there was only a post of Mail Peon. Hemnath was promoted as peon and his post as E.D. Packer at ~~Triveni Nagar~~ became vacant. When Hemnath relinquished the charge of E.D. Packer at ~~Triveni Nagar~~ ^a, certain Ram Dayal was engaged in his place on the responsibility of Hemnath. A regular appointment is still to be made after Hemnath's promotion at Birhana. However, Ram Dayal is working there as a temporary arrangement. The applicant's contention is that there ^{is} a post of Extra Departmental Packer at Triveni Nagar in which he should have been allowed to function. The respondents say that there is no such post and that the recruitment of the applicant for such a post by the A.S.P.O.(North) was a mistake and that was why the appointment was cancelled. In any case, there is no dispute that a regular post of E.D. Packer at Birhana ^M is lying vacant after the promotion of Hemnath and ~~therefore~~, Ram Dayal is working there. Ram Dayal has been deputed to work against the ^{work} ~~work~~ of Mail Peony. Regular appointment is therefore to be made of E.D. Packer in Birhana. We are told that the appointing authority for Birhana is different from the appointing authority for Triveni Nagar. On going through the record of the respondents, we find that the applicant was selected as E.D. Packer from a list of four persons. We, therefore, feel that he should be given preference for appointment as E.D. Packer in any other place where there is such a vacancy, if there is no such post in Triveni Nagar. ^M Steps ~~Circumstances~~, will have to be taken now, for regular appointment of E.D. Packer

at Birhana ~~itself~~ in place of Nemnath. The applicant should be considered for that post alongwith others including Ram Dayal and he should be given credit for ~~having already selected once~~ ^{having been selected} if he is selected for the post at Birhana after such consideration, he may be deputed ~~anywhere else~~ ^{to work at} round about Triveni Nagar if the respondents so deem it necessary. This should be done within two months from the date of receipt of this order.

The application is disposed of on the above terms leaving the parties to bear their own costs.


Judl. Member.


P. J. Singh
16/8/90
Adm. Member.

Lucknow Dated: 16.8.90