

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 310/2010

This the 17th day of August, 2010

Hon'ble Dr. A.K.Mishra, Member (A)

Fateh Mohammad Rehmani, aged about 37 years son of Sri Nishar Ahmad Staff Car Driver Office of Suptt. Of Post Offices, Behraich Division, Behraich, r/o Mohalla- Mohammad Nagar, PO Risia Bazar, District-Behraich.

Applicant

By Advocate: Sri R.S. Gupta

Versus

1. Union of India through the Secretary, Department of Posts, Dak Bhawan, New Delhi.
2. CPMG, UP, Lucknow.
3. SPOs, Behraich Division, Behraich.

Respondents

By Advocate: Sri S.P. Singh for Sri Rajendra Singh

ORDER (ORAL)

Hon'ble Dr. A.K. Mishra, Member (A)

Heard both parties.

The applicant counsel submits that he has filed one representation on 2.7.2010 (Annexure No. A-9) addressed to the respondent No. 2, i.e. CPMG, UP, Lucknow against the irregular action of respondent No. 3 of terminating the services of the applicant as Casual Driver although he had already put in 2 years and 5 months of service. According to him, he was engaged on 1.2.2008 and his services were orally terminated on 30.6.2010. He had already put in more than 240 days on casual work and as such had acquired the right to continue as casual driver with temporary status as per circular dated 12.4.1991. He further submits that a new person has been engaged in his place on same casual status. Such action of the respondent No. 3, according to him, was highly discriminating and unfair. He had filed a representation before the Head of the circle i.e. respondent No. 2 for redressal of his grievance. He submits today that if a direction is given to respondent No. 2 to dispose of his application in a speaking order within a specified period, his grievance would be redressed.

2. The respondents counsel submits that the applicant should have made the representation to the next higher authority who happens to

be Director, Postal Services, Gorakhpur Region. At the most, he should have filed his representation before the Post Master General, Gorakhpur Region, but the applicant has taken the liberty to file it before the Chief of the Circle i.e. Chief Post Master General which was not warranted. He further submits that this O.A. is not maintainable on account of non-joinder of Director, Postal Services / PMG, Gorakhpur and Sri Santosh Kumar Singh, who has been appointed in his place as necessary parties.

3. In reply, the applicant counsel submits that the CPMG, being the head of the circle, is the most competent authority before whom a representation pointing out irregular action of one of his subordinates could be filed. It is his request that the direction should be issued to CPMG as prayed for and applicant will have no objection if a sufficient long time is granted for him to elicit information / comments from the subordinate authorities. He has challenged the oral termination of his own appointment and therefore, there was no need for him to make any private appointee as a co-respondent.

4. The respondents counsel mentioned that he would not have any objection if at least three months time is granted.

5. In the circumstances, the O.A. is disposed of with a direction to respondent No. 2 to decide the representation of the applicant dated 2.7.2010 (Annexure A-9) by passing a speaking order according to rules /Govt. instructions within a period of 3 months from the date of supply of a copy of this order. The applicant is also directed to give a copy of his representation (Annexure A-9) along with a copy of this order to enable the respondent No. 2 to take appropriate action in the matter.

6. The O.A. is accordingly disposed of. No costs.


(Dr. A.K. Mishra)
Member (A)

HLS/-