

Hon'ble Mr. K.D.Saha, Member (A)

.....

Heard the learned counsel for the applicant on the question of admission. It is submitted that pursuant to the order of this Tribunal dtd. 08.07.1992 in O.A. 237/91 (Annexure-A/1), the applicant was appointed as EDMC, Mohraghat and on his representation for posting at Sadpur or Chattarghat, etc. he was given posting to Chattarghat EDBO as EDMC but he was not given charge there. Finally, by Annexure-A/8, he was asked to take charge of the posting of EDDA-cum-EDMC of Durgapur EDBO where he took over charge on 01.01.1996. By order at Annexure-A/10, dtd. 04.01.1996, the applicant has been directed to handover charge of the post of EDDA/MC, Durgapur, to one Shri P.K.Pandey, son of deceased EDDA/MC, Durgapur, who, it is submitted, is being asked to takeover charge on daily wage basis. The learned counsel submits that Shri P.K.Pandey has not been formally selected against this post as per the extant procedure and even then the respondents have issued the orders as at Annexure-A/10.

2. This is a Division Bench Matter. Since, a Division Bench is not available and there is no likelihood that a Division Bench would be available shortly, I take up this matter on the question of admission and passing of Interim orders.

3. Considering the submissions, I admit this application. Issue notices to the respondents to file W/s within a period of six weeks. Rejoinder, if any, may be filed within two weeks thereafter.

On the question of Interim Relief, as prayed for,
.....Contd./

Receipt of notices
for respondents
No. 1 to 5 served
to Gr. Standing
Counsel filed
by the Counsel
of the applicant.
Kept in file
W/o
20/1/96

to stay operation of Annexure-A/10, dtd. 04.01.1996.
I find that there is merit in the submissions of the learned counsel for the applicant. It is submitted that the applicant has not yet handed over the charge of EDDA/MC, Durgapur, where he has joined on 01.01.1996. I direct that the orders as contained at Annexure-A/10, dtd. 04.01.1996, shall be stayed for a period of 14 days, by which time the respondents are directed to file show cause as to why the Interim Order passed shall not be made absolute.

4. The learned counsel for the applicant handed-over a copy of the O.A. to Shri S.K. Bariar, junior to Shri J.N. Pandey, learned Sr. Standing counsel, who accepted the notice.

List on 30.01.1996 for hearing on stay matter.

Let a copy of this order be handed over the learned counsel for the applicant.

SKJ

2/30.1.1996

Hon'ble Mr. K.D. Saha, Member (A)

(K.D. Saha)
Member (A)

Six weeks time is allowed as prayed for by the learned senior standing counsel Shri J.N. Pandey. List it on 29.3.1996. Interim order as passed earlier shall continue till the next date.

(K.D. Saha)
Member (A)

MPS.

Recd c/c
SI Adv.
18/1/96

Recd c/c
SI Adv.
23/2/96

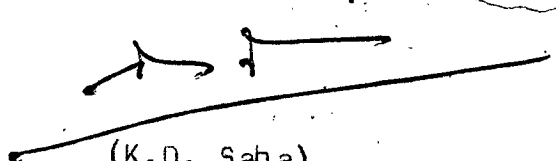
3
29.3.96

CM

Hon'ble Shri K.D. Saha, Member(A)

No written statement has been filed *as yet*.
Four weeks' time on behalf of Senior Standing
Counsel Mr. J.N. Pandey is prayed for filing
written statement. Prayer allowed. List this case
on 9.5.96. Interim order passed earlier
shall continue to operate till the next date.

*Recd c/c
SI Adv.
12/4/96*


(K.D. Saha)
Member (A)

4/9.5.1996

Counsel for the applicant : Mr. S.N. Tiwari

Counsel for the respondents : Mr. J.N. Pandey.

Heard Mr. S.N. Tiwari. No written statement
has been filed. However, Mr. J.N. Pandey, Sr. Standing
Counsel brought to my notice that the applicant had
already been given alternative posting in another
branch post office, which he *did not joined* earlier.
Mr. Tiwari, on the other hand stated that he was
not allowed to join duty as EDMC by the EDBPM and
therefore, he had made application for being posted
at Durgapur *which* he was accepted. He has been
functioning as EDDA-cum-EDMC since January, 1996 and
suddenly somebody else has been asked to work.

In view of this submission, I think it is fair that
stay order passed earlier shall continue till the

P.T.O.

*Recd c/c
SI Adv.
19/7/96*

conclusion of the O.A. In the meantime,
the respondents are directed to file written
statement with a copy to the applicant for
filing rejoinder, if any, under rules. Let
the case be listed, thereafter for hearing.
List this case before the Registrar for completion
of pleadings on 27.5.1996.

xxx
MPS.

N.K. Verma
(N.K. Verma)
Member (A)

5/27.5.96 Shri M.L.Paswan, Registrar I/c

Shri S.N.Tiwary, counsel for the
applicant is present. W.S. has not been filed on
behalf of the respondents. List on 2.7.96 for
filing W.S.

SKS

M.L. Paswan
(M.L. Paswan)
Registrar I/c

6/2.7.96 Shri M.L.Paswan, Registrar I/c

Shri K.P.Mishra, Junior counsel to
Shri S.N.Tiwary, learned counsel for the applicant is
present. W.S. has not been filed. List on 23.7.96 for
filing W.S.

M.L. Paswan
(M.L. Paswan)
Registrar I/c

SKS

*Vakalatnamy filed
on behalf of the respondent.
Mr. B. P.
Mr. K. Pandey
15/7/96*

OA-33/95 96

7/23.7.96

Shri M.L.Paswan, Registrar I/c

Shri K.P.Mishra, Junior counsel to
Shri S.N.Tiwary, counsel for the applicant,
is present. W.S. has not been filed in this
case. In this case MA has been filed by the
Intervener petitioner. Learned counsel for the
Intervener petitioner, Shri I.D.Prasad, prays that
the MA may be listed before the Hon'ble Bench for
consideration. Let the MA along with the OA
be put up before the Hon'ble Bench for admission ^{hearing on M.A} on 2.8.96.

Written statement
filed on behalf
of respondents
by
3/11/96

SKS

(M.L.Paswan)
Registrar I/c

MA - 156/96 (OA 33/96)

8./ 2.8.96.

Counsel for the applicant in OA : Shri S.N. Tiwary

Counsel for the respondents : Shri J.N. Pandey.

Counsel for the applicant in MA : Shri I.D. Prasad
for intervenor.

Heard Shri J.N. Pandey and Shri S.N. Tiwary who have been given advance copy of the MA filed on behalf of intervenor. Shri J.N. Pandey also states that there is no need of service of MA on the respondents as the matter has substantially been adjudicated in the previous occasion and he has no objection if intervenor is allowed to participate in this litigation. Shri S.N. Tiwary has certain reservation about joining of the intervenor in the litigation as he stated that intervenor is not necessary party. Even though he is not necessary party, he may be permitted to join litigation if he feels that he has some stake in the matter. In view thereof, the intervenor is permitted to participate in the matter. The MA is accordingly allowed.

/CBS/

N.K. Verma
(N.K. Verma)
Member (A)

Let this
case (OA) for
discretion as
there is no date marked
for discharge before the
Court. Request
on 2/9/96
HLP
19/8

Written Statement
filed on behalf of
the Respondent
No. 6.

9/ 2.9.96

No body present. List this case before the court on 25.9.96 for hearing.

[Signature]
For Deputy Registrar

10/25.09.96

Counsel for the applicant : Shri S.N.Tiwary.

Counsel for the respondents : Shri N.P.Sinha.

Shri R.K.Choubey.

By mutual consent the case, is adjourned to 08.11.1996 for hearing.

SKT 15/12/96

(K.D.Saha)
Member (A)

(V.N.Mehrotra)
Vice-Chairman (J)

Rejoinder to the Writ filed on behalf of the applicant

on 25/1/96
is filed by
the counsel
of the applicant
for amendment
in para 4 of
OA-33/96. It
is in order.
It may be
placed before
Hon'ble Court
on 8/11/96 for
consideration
order thereon.
on 25/1/96 *[Signature]*
Sato

DA 33/96

M.A.251/96

11

8.11.96

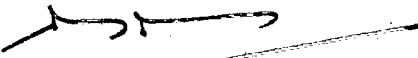
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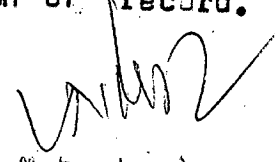
Counsel for the applicant...Shri S.N.Tiwary
Counsel for the respondents..Shri R.K.Choudhary

Prayer Heard the learned counsel for the applicant *on the*
for amendment of the O.A. Prayer is allowed.

Amendment to be incorporated within a week.


Respondents may file additional written statement
within three weeks. List it on 17.12.96 before
the Deputy Registrar for completion of record.


(K.D.Saha)
Member (A)


(V.N.Mehrotra)
Vice-Chairman

12/14.1.1997

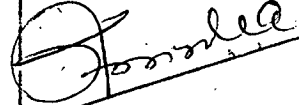
The learned counsel for the applicant Shri
S.N.Tiwari is present. None for the official
respondents. Shri I.D.Prasad, learned counsel is
present for respondent No.6. W/s has been filed
on behalf of all the respondents. Rejoinder has
also been filed. No additional W/s has been filed *if any*
Put up on 5.2.1997 for filing additional W/s, *if any*


(M.L.Paswan)
Registrar I/c

MPS.

13/6.2.1997

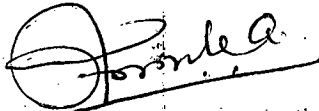
None for the parties. On perusal of the record it appears that W/S as well as rejoinder to the W/s have been filed. But no Additional Written statement has been filed as yet in compliance of the order no.11 dated 8.11.1996. Put up on 19.2.1997 for filing Additional W/s as a last chance.


(S.P. Sinha)
Dy.Registrar I/c

MPS.

14/19.2.1997

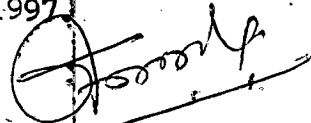
The learned counsel for the applicant Shri S.N.Tiwari is present. Shri N.P.Sinha learned counsel appears for the pvt. respondent no.6. No additional W/s has yet been filed. However, for the ends of justice one more chance is given to the respondent to file ^{additional} W/s. Put up on 6.3.1997 for filing ~~W/S~~ additional W/s.


(S.P. Sinha)
Dy.Registrar I/c

MPS.

15/6.3.1997

The learned counsel for the applicant is present. None for the respondents. ^{additional} No W/s has yet been filed though sufficient time was given therefore. In the circumstances, let the case be listed before the Hon'ble Bench for direction on 17.3.1997.


(S.P. Sinha)
Dy.Registrar I/c

MPS.

16./ 17.3.97.

Shri S.N. Tiwary, the counsel for the applicant.

Shri I.D. Prasad, the counsel for the private respondents.

None for the official respondents.

Pleadings in this case are complete. Enter it in the ready list.

/CBS/

(V.N. Mehrotra)
Vice-chairman

17/12.09.97

List on 12.11.1997 for hearing alongwith M.A. No.217/97 vide order dated 1/12.09.97 passed in M.A. No.217/97.

SKJ

(R.K. Ahooja)
Member (A)

(V.N. Mehrotra)
Vice-Chairman

18./ 31.3.98.

Shri S.N. Tiwary, the counsel for the applicant.

Shri N.P. Sinha, the counsel for the pvt. respondents.

List it on 29.6.98 for hearing.

/CBS/

(L.R.K. Prasad)
Member (A)

(V.N. Mehrotra)
Vice-chairman

19/2.7.98.98

List on 7.9.98 for hearing.

AKJ

(L.R.K. Prasad)
Member (A)

20/7.9.98

List it on 2.12.98 for hearing.

(L.R.K. PRASAD)
MEMBER (A)

(V.N. MEHROTRA)
VICE-CHAIRMAN

AKJ

21/02.12.98

List. on 27.01.1999 for hearing.

SKJ

(Lakshman Jha)
Member (J)

(L.R.K. Prasad)
Member (A)

memo of
Appearance
filed by
New A.S.C.

14/1/99

22/27.1.1999

Shri S.N.Tiwari, counsel for the applicant.

Shri I.D. Prasad, counsel for the private respondents.

Since the Division Bench is not available,
list it for hearing on 5.4.1999 within first three
cases, with consent.

(Lakshman Jha)
Member (J)

MPS.

23
5.4.99

CM

Shri N.P. Sinha, learned counsel for the
private respondent, prays that there is a stay order
in operation in this case. In view of that, list it
for hearing on 21.4.99.

(Lakshman Jha)
Member (J)

(L.R.K. Prasad)
Member (A)

24/21.4.99

Let it be listed for hearing on 9.7.99.

SKS

(L. Hmingliana)
Member (A)

(S. Narayan)
Vice-Chairman

25/9.7.99

None for the applicant.

Sh. N.P.Sinha, Counsel for Pvt. respondents.

List it for hearing on 12.8.99 .

AKJ

(L.HMINGLIANA)
MEMBER(A)

(L.JHA)
MEMBER(J)

26/12.08.99

For want of time, hearing is adjourned to
17.09.1999.

SKJ

(L.Hmingliana)
Member(A)

(S.Narayan)
Vice-Chairman

27./ 17.9.99.

For want of time, list it on 14.10.99 for hearing.

/CBS/

(L. HMINGLIANA)
MEMBER (A)

(S. NARAYAN)
VICE-CHAIRMAN

28./ 14.10.99.

For want of time, hearing is adjourned to 2.12.99.

/CBS/

(L. HMINGLIANA)
MEMBER (A)

(S. NARAYAN)
VICE-CHAIRMAN

29/02.12.99 For want of time, the hearing is adjourned
to 12.01.2000.

Supplementary
filed on 27.12.99. SKJ

(L.Hmingliana)
Member(A)

(S.Narayan)
Vice-Chairman

N. Topra
30/12.1.2000
5.1.2000

List it for hearing on 16.2.2000.

(Lakshman Jha)
Member (J)

(L. R. K. Prasad)
Member (A)

MRE.

31/16.2.2000

Sh. S.N.Tiwary, counsel for the applicant.
Sh. I.D.Prasad, counsel for the respondent.

List it for hearing on 14.3.2000
within 1-5 cases.

AKJ

(L.JHA)
MEMBER(J)

(L.R.K.PRASAD)
MEMBER(A)

32/14.3.2000

Sh. S.N.Tiwary, counsel for the applicant.

Sh. N.P.Sinha, counsel for the respondent.

Sh. Tiwary states that as the applicant is not keen to pursue the case, he may be permitted to withdraw the same. In view of the above position, the case is disposed of as the case is withdrawn by the applicant.

AKJ

(L.JHA)
MEMBER(J)

(L.R.K.PRASAD)
MEMBER(A)