

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

.....

Heard the learned counsel for the applicant. The applicant herein was selected for appointment to the post of EDBPM, Koil, Chorpokhri, district : Bhojpur, pursuant to the advertisement issued by the Superintendent of Post Offices, Bhojpur, Arrah and he has been working, as such, w.e.f. 30th August, 1995. It appears that that there was a representation from one Shri Gandhi Rai, who was also <sup>a candidate</sup> in the said selection, addressed to the Chief Post Master General, Bihar Circle, Patna, against the appointment of the applicant. The Chief Post Master General (Respondent no.2) by his order dated 17.02.1996 (Annexure-A/3) has rejected the representation of Shri Gandhi Rai as being not tenable, but he has directed the Superintendent of Post Offices, Bhojpur Division, Arrah to appoint Shri Sudhir Kumar relieving the applicant from the post of EDBPM, Koil, Chorpokhri. The applicant has approached this Tribunal praying for quashing the abovesaid order, as at Annexure-A/3, on the ground that Shri Sudhir Kumar who was also a candidate in the selection alongwith the applicant and who secured higher marks than the applicant in the matriculation examination withdraw his candidature for the post of EDBPM, Koil in presence of the Complaint Inspector, Bhojpur Division and the Supdt. of Post Offices Bhojpur Division therefore, dropped his name and the applicant was selected for the post. Against this background it is submitted that there can be no question of appointment of Shri Sudhir Kumar displacing the applicant. The learned counsel for the applicant further submits that no show-cause or notice has been given to the applicant in this regard although he was duly selected and appointed to the post.

2. There is an interim prayer to stay operation of the order ~~contained~~ at Annexure-A/3, as contained in para-9 thereof relating to the appointment of Shri Sudhir Kumar to the post of EDBPM, Koil, in place of the applicant.

3. This is a Division Bench matter. Since, no

Division Bench is available and there is no likelihood that a Division Bench would be available. Against this background and considering the submission and urgency of the matter, I admit the application. Issue notices to the respondents to file their show-cause within four weeks. Rejoinder, if any, may be filed within two weeks thereafter.

4. Having regard to the submission made and the averments on record, I further direct that operation of the order, as contained in para-9 of Annexure-A/3, dated 17.02.1996, shall be stayed for a period of 14 days by which time the respondent's shall file show-cause as to why the Interim Order shall not be made absolute. Requisites to be filed tomorrow.

List on 08.03.1996 on the question of Interim Orders.

SKJ

(K.D.Saha)  
Member (A)

2/8.3.1996

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

Adjourned to 15.4.1996 for hearing.

Stay to continue till the next date.

(K.D.Saha)  
Member (A)

MFS.

Sachin Kumar A. S. S.  
m S. C. Dubey  
16/7/96 A.S.C.

GA - 129/96

3./ 15.4.96.

Counsel for the applicant : Shri R.K. Choubey.

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

Heard learned counsel for the parties. Shri J.N. Pandey, Sr. Standing Counsel for the respondents stated that the reply in this matter shall be filed within two weeks. In view of this, let this matter be adjourned to 1.5.96 for hearing on stay. The interim order shall continue till then.

*Received  
Sd/- H.K. Akbar  
Mr. S.C. Dubey  
16/7/96 A.S.C.  
/CBS/*

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

4/01.05.96

Counsel for the applicant : Shri R.K. Choubey.

Counsel for the respondents : Shri S.K. Bariar, brief holder for Shri S.C. Dubey, learned Addl. Standing Counsel.

Shri Bariar prays for four weeks time for filing W/s in the matter. Prayer granted. Interim stay to continue till the next date.

Let this case be listed on 31.05.1996 for hearing on stay.

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

*Received  
Sd/- H.K. Akbar  
Mr. S.C. Dubey  
16/7/96 A.S.C.  
SKJ*

OA - 129/96

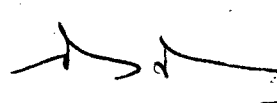
Hon'ble Shri K.D. Saha, Member (A)

5./ 31.5.96.

Counsel for the applicant : Shri R.K. Choubey.

Counsel for the respondents: Shri S.C. Dubey.

Shri S.C. Dubey prays for four weeks time to  
file W/S. Time is granted. List this case <sup>after vacation</sup> on 8.7.96 for  
hearing on stay. Interim order as passed earlier shall  
continue till the next date.

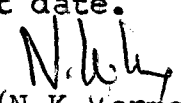
  
(K.D. Saha)  
Member (A)

6/08.07.96

Counsel for the applicant : Shri R.K.Choubey.

Counsel for the respondents : None.

Let the case be fixed for hearing on stay on  
18.07.1996. The stay shall continue till that date.

  
(N.K.Verma )  
Member (A)


SKJ

7/18.7.1996

Counsel for the applicant : Mr. R.K. Choubey

Counsel for the respondents : Mr. Umesh Nr. Dubey,  
brief holder of Mr. S.C. Dubey.

Mr. R.K. Choubey, learned counsel for the applicant presses for continuance of the stay till the Original Application is disposed of finally. Shri S.C. Dubey, learned Additional Standing Counsel for the Union of India is not present in the Court as he is busy elsewhere. However, his junior Mr. Umesh Narain Dubey prays for two weeks adjournment for filing written statement. In view of this, two weeks adjournment is granted. If, there is no appearance on behalf of the respondents on that date, the stay shall be made absolute as prayed for by the learned counsel for the applicant. Stay to continue till the next date. List it on 2.8.1996.

  
( N.K. Verma )  
Member (A)

MPS.

8./ 2.8.96.

Counsel for the applicant : Shri R.K. Choubey.

Counsel for the respondents: ~~Shri~~ None.

Counsel for the intervenor petitioner: Shri J.K. Karn.

W/S filed in the matter is without signature of the respondents. Let the signed copy be filed by the respondents. List this case on 19.8.96. Stay to continue till that date.

2. Shri J.K. Karn, the learned counsel for the intervenor petitioner stated that one Shri Gandhi Rai prays for permission to join as intervenor in this matter. He has also served a copy of the MA on the learned counsel

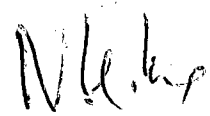
P.T.O.

Written Statement  
Filed on behalf  
of respondents  
WSP  
19/8/96

OA - 129/96

for the applicant , Shri R.K. Choubey. A copy has also been served on the respondents. Let a reply on the intervenor petition be also made by the respondents and the applicant. List this case on 19.8.96 for hearing on stay and intervenor petition.

/CBS/

  
(N.K. Verma)  
Member (A)

M.A.-162/96

8/19.8.96

Counsel for the applicant .. Mr. R.K. Chaubey  
in OA-129/96

Counsel for the intervener -  
Sri Gandhi Rai in M.A. .. Mr. J.K. Karn

Counsel for the  
Union of India .. Mr. S.C. Dubey

Heard. Orders pronounced in open Court  
on dictation dismissing the MA as ~~not~~ not accepted.  
Order in separate sheets.

  
( N.K. Verma )  
Member (A)

OA-129/96

19.8.96

All counsels as mentioned in the  
order ~~of~~ in MA are present.

Shri R.K. Chaubey, counsel for  
the applicant in the OA brings to my notice  
that this case is of Division Bench and

~~jurisdiction~~ for hearing he has to wait till the Division Bench will be available.

In view thereof the stay granted earlier in this matter is made absolute till the conclusion of this O.A. The case is adjourned sine die and to put up before Division Bench as and when it is available

SKS

(N.K. Verma)  
Member (A)

10/25.2.1999 Shri R.K. Choubey, counsel for the applicant.

As the pleadings in this case are complete, list it for hearing on 14.5.1999.

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

MPS.

11./ 31.3.99. The case is already fixed for hearing on 14.5.99. Let it be listed on the same date i.e. 14.5.99 for hearing.

/CBS/

(LAKSHMAN JHA)  
MEMBER (J)

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

12./ 14.5.99. For want of time, let it be listed on 20.8.99 for hearing.

/CBS/

(L. HMINGLIANA)  
MEMBER (A)

(S. NARAYAN)  
VICE-CHAIRMAN

13/20.08.99 For want of time, the hearing is adjourned to 30.09.1999.

SKJ

(L. Hmingliana)  
Member (A)

(S. Narayan)  
Vice-Chairman

Recd  
@ 20.9.96

As directed  
May be  
list it for  
direction  
on 31-3-99  
slip kept  
in file c

14/30.09.99 For want of time, the hearing is adjourned  
to 15.10.1999.

SKJ

(L. Hmingliana)  
Member(A)

(S. Narayan)  
Vice-Chairman

15./ 15.10.99.

For want of time, list it on 15.12.99 for hearing.

/CBS/

(L. HMINGLIANA)  
MEMBER (A)

(S. NARAYAN)  
VICE-CHAIRMAN

16/15.12.99 For want of time, the hearing is adjourned  
to 17.01.2000,

SKJ

(L. Hmingliana)  
Member(A)

(S. Narayan)  
Vice-Chairman

17  
17.1.2000

List on 23.2.2000 for hearing.

CM

(L. Jha)  
Member (J)

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



18/23.2.2000 As lawyers are abstaining from court work due to strike call given by the Bar Council of Bihar, list it for hearing on 24.3.2000 .

AKJ

(L.JHA)  
MEMBER(J)

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

19/24.3.2000 Due to non-availability of the bench, the case is adjourned to 14.4.2000 for hearing.

AKJ

(S.NARAYAN)  
VICE-CHAIRMAN

20/17.4.2000 Shri R.K.Choubey, counsel for the applicant.

None for the respondents.

List it for hearing on 1.6.2000.

MPS.

(L.Hmingliana )  
Member (A)

(Lakshman Jha )  
Member (J)

21/1.6.2000 Sh. R.K.Choubey, counsel for the applicant.  
None for the respondents.

List it for hearing on 25.7.2000 . If the ASC failed to appear on the date fixed, it may be heard ex-party.

AKJ

(L.HMINGLIANA)  
MEMBER(A)

(L.JHA)  
MEMBER(J)

22/25.07.2000 : For want of time, the hearing is adjourned to 11.08.2000.

skj

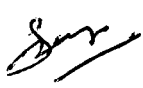
(L. R. K. Prasad)/M(A)

(S.Narayan)/V.C.

23./ 11.8.2000.

List it on 21.9.2000 for hearing.

/CBS/

  
(S. NARAYAN)  
VICE-CHAIRMAN

24/29.9.2000

As D.B. of Court No. I is not available,  
due to Circuit Bench at Ranchi, list it for  
hearing 23.10.2000.

MPS.

  
( L. Hmingliana )  
Member (A)

  
( Lakshman Jha )  
Member (J)


25/23.10.2000

Shri R.K. Choubey, counsel for the applicant.  
Shri S.C. Dubey, counsel for the respondents.

On mutual consent, list it for hearing on  
30.11.2000.

SRK/

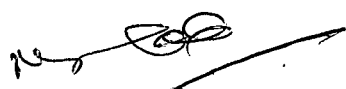
  
( L. Hmingliana )  
Member (A)

  
( L. Jha )  
Member (J)

26./ 30.11.2000.

Nobody turns up on either side. Let it be listed  
on 5.1.2001 for hearing. In case nobody turns up  
on behalf of the applicant even on the next date, it  
will be dismissed for default.

/CBS/

  
(L.R.K. PRASAD)/M(A)

  
(S. NARAYAN)/V.C.

27./ 5.1.2001.

None appears on either side. Pursuant  
to the order dated 30.11.2000, this OA is dismissed  
for default.

/CBS/

  
(L.R.K. PRASAD)/M(A)

  
(S. NARAYAN)/V.C.