

1./ 31.5.96.

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

Counsel for the applicant : Shri J. Karn.

Heard learned counsel for the applicant.

By this application the applicant prays for quashing the order contained at Annexure A/1 dated 13.5.96, by which the applicant's appointment to the post of EDBP Prahaldpur has been cancelled. The applicant was initially appointed as EDBPM, Prahaldpur by order at Annexure A/3 dated 6.11.95. It is submitted that no show cause was issued to the applicant before issue of the impugned order. As interim relief the prayer is to stay the operation of the impugned order contained in Annexure A/1.

2. This is a Division Bench matter. No. D.B. is at present available. Against this background, the applicant's counsel submits that the application be admitted and interim order passed staying the operation of Annexure A/1. The learned counsel further submits that he is still holding the post of EDBPM, Prahaldpur.

3. Considering the submissions, the application is admitted. Issue notices to the respondents to file their W/S within four weeks. Rejoinder, if any, may be filed within one week thereafter. In the mean time, status quo as ~~obtained~~ ^{on date} shall be maintained for a period of 14 days, by which time the respondents shall file show cause as to why the interim order shall not be

Receipt of
Notice to the
Respondent No
1 to 4, filed and
Res. No. S. Rejoinder
filed on ~~Kept file~~
M.R. /
4/6/96.

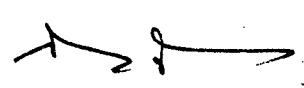
Received copy.

Jayant Karn
Advocate,

4.6.96

Notice issued
by Regd with AID
on 7/6/96
for
file
7/6/96

made absolute. The matter may be placed before the vacation Bench at the earliest with regard to continuance of the interim order ^{beyond} for 14 days.


(K.D.Saha)

Member (A)

2/1.7.1996

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

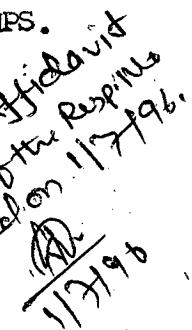
Shri J.K.Karn for the applicant. Shri J.N. Pandey, Sr. Standing Counsel appearing for the respondents prays for two weeks time to file written statement. Shri A.B. Mathur, learned counsel appearing for the private respondents submits that he is filing reply on behalf of the private respondents today. List this case on 17.7.1996 for hearing. Interim order as passed earlier shall continue till then.


(K.D.Saha)
Member (A)

3/17.7.96

Counsel for the applicant ..Mr. J.K.Karn

Counsel for the respondents. Mr.J.N.Pandey,
Sr.Standing
Counsel


The case came up for continuance of the stay order granted earlier. Shri Karn was not able to satisfy me that the applicant has actually joined as Extra Departmental

Branch Postmaster and has been working as such on the basis of the appointment letter dated 6.11.95. There is no charge report indicating that the charge of the Branch Office was duly taken over by him and the fact of taking over the charge was circulated to other concerned Post Offices. He was appointed vide Annexure-3 dated 6.11.95 and he was directed to appear before the Medical Officer I/c for his medical examination vide letter dated 8.11.95. It indicates that the applicant ~~now~~ has not taken over the charge of EDBPM on 6.11.95 and as per his own statement in Annexure-5 he was medically examined on 9.11.95 and on 10.11.95 evening he ^{was} taken over the charge of the Post Office. This was again kept in abeyance in the morning of 11.11.95. Thus, the applicant has never worked as Branch Postmaster even for a single day and the taking over charge is a ~~fictitious~~ fictitious statement and not supported by any documentary evidence. The question of status-quo in working as EDBPM therefore, does not arise. The stay order passed earlier is not renewed. The respondents are at liberty to take whatever action they will think fit.

N. K. Verma

(N. K. Verma)
Member (A)

Received

Sanjeev Kumar
22/11/96

Received by
Postmaster
on 22/11/96

Received by
Joyakumar
8.11.96

SKS

4/26.7.96 HON. Shri M.L.Paswan, Registrar

The learned counsel for the applicant is absent. Respondent No.5 has filed Counter-Affidavit on his behalf and the rest respondents have not filed W.S. on their behalf. List on 4.9.96 for filing W.S. on behalf of the respondents 1 to 4.

SKS

(M.L.Paswan)
Registrar I/C

5/4.9.96. The learned Counsel for the Respondent No. 5. is present. Respondent No.5 has filed W.S. W.S. in respect of C.R. Respondents have not been filed. List on 1/10/96 for filing W.S. on behalf of the Resp. No. 1 to 4.

U.N.
JDR

6/1.10.96

Sri. S. P. Sinha, Dy. Registrar I/C.

...

The learned counsel for the applicant is present. The Respondents are unrepresented. W/s has not been filed on behalf of official respondents. W/s has been filed on behalf of private respondent no.5. List it on 22.10.96 for filing the W/s on behalf of official respondents.

S. P. Sinha
S. P. Sinha
Dy. Registrar

PKL

7/1 23.10.96. W/S has been filed on behalf of respondent No. only. No W/S has been filed on behalf of the respo No. 1 to 4. List it on 20.11.96 for filing W/S of respondents No. 1 to 4.

M.L. Paswan
(M.L. Paswan)
Dy. Registrar.

DDA - 254/96
is placed filed
by the counsel
of applicant
for amendment
/CBS/
100 08 - 29/10/96
It is mentioned
case. It may
be placed before
Hon'ble Court
on 8/11/96 as
per order of
Hon'ble Court
for consideration
and orders please

8/8. 11.1996 On the request made by Mr. M.P.Dixit, proxy counsel for Mr. J.K.Karn, learned counsel for the applicant, the case is adjourned to 6.12.1996 for hearing.

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

K.D.Saha
(K.D.Saha)
Member (A)

SC (S)
MPS.

DSS
7/8/11/96

9/6.12.96

List on 19.2.97 for hearing.

SKS

(D. Purkayastha)
Member (J)(K.D. Saha)
Member (A)

10./ 19.2.97.

List it on 30.4.97 for hearing.

/CBS/

(V.N. Mehrotra)

Vice-chairman

11./ 30.4.97.

List it on 22.7.97 for hearing.

(K. Muthu Kumar)
Member (A)(V.N. Mehrotra)
Vice-chairman

12/22.07.97

List for hearing on 09.09.1997.

SKJ

Substantially W.S. filed
on 13/9/97 No. 5
on 5/8/97 on
attack. /CBS/
14
7/8(R.K. Aboja)
Member (A)(V.N. Mehrotra)
Vice-chairman

12.11.97

List for hearing on 16.1.98.

CM

(V.N. Mehrotra)
Vice-Chairman

15/16.1.98

List it for hearing on 24.3.98.

SKS

(V.N. Mehrotra)
Vice-Chairman

16/ 24.3.98.

Shri J.K. Karn, the counsel for the applicant.

Shri J.N. Pandey, Sr. Standing Counsel for the respondents states that W/S could not be filed on behalf of the official respondents. He prays that four weeks as a last chance be allowed for the same. The official respondents are allowed four weeks and not more time for filing W/S. Rejoinder may be filed within two weeks thereafter. List it on 28.5.98 for hearing.

/CBS/

(L.R.K. Prasad)

Member (A)

(V.N. Mehrotra)

Vice-chairman

17/28.5.98

Adjourned for hearing to 28.8.98.

SKS

(L.R.K. Prasad)
Member (A)(V.N. Mehrotra)
Vice-Chairman

18/28.8.1998

List for hearing on 26.11.1998.

(L.R.K. Prasad)
Member (A)(V.N. Mehrotra)
Vice-Chairman

19/26.11.98

List on 08.01.1999 for hearing.

SKJ

(Lakshman Jha)
Member (J)(L.R.K. Prasad)
Member (A)

Appearance
Scrip filed
by New Adl.
S.C.
ADM

OA - 292/96

20./ 8.1.99. List it on 15.4.99 for hearing.

/CBS/

(LAKSHMAN JHA)

MEMBER (J)

(L.R.K. PRASAD)

MEMBER (A)

21/15.04.99

Shri J.K.Karn, counsel for the applicant.

List it on 30.06.1999 for hearing.

S.K.J.

(L.Hmingliana)

Member (A)

(S.Narayan)

Vice-Chairman

22/30.06.99

For want of time, hearing is adjourned to
05.08.1999.

S.J.

(L.R.K.Prasad)

Member (A)

(S.Narayan)

Vice-Chairman

23./ 5.8.99.

For want of time, list it on 16.9.99 for hearing.

/CBS/

(L.HMINGLIANA)

MEMBER (A)

(S.NARAYAN)

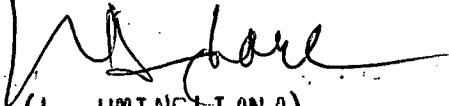
VICE-CHAIRMAN

OA - 292/96

24./ 16.9.99.

For want of time, list it on 21.10.99 for hearing.

/CBS/


(L. HMINGLIANA)

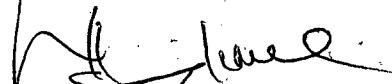
MEMBER (A)


(S. NARAYAN)
VICE-CHAIRMAN

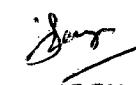
25./ 21.10.99

For want of time, list it on 7.12.99 for hearing.

/CBS/


(L. HMINGLIANA)

MEMBER (A)


(S. NARAYAN)
VICE-CHAIRMAN

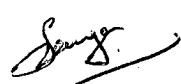
26./ 7.12.99.

For want of time, hearing is adjourned to
18.1.2000.

/CBS/


(L. HMINGLIANA)

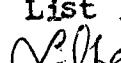
MEMBER (A)


(S. NARAYAN)

VICE-CHAIRMAN

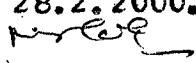
19/18.1.2000 Shri J.K.Karn, counsel for the applicant.

List it for hearing on 28.2.2000.


(Lakshman Jha)

MFS.

Member (J)


(L.R.K. Prasad)

Member (A)

O.A. No. 292/96

20

26.2.2000

CM

Shri J.K.Karn..counsel for the applicant.

List it on 10.4.2000 for hearing.



(L.Jha)
Member (J)



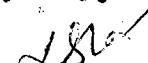
(L.R. K. Prasad)
Member (A)

21/10.4.2000 Shri J.K. Karn, counsel for the applicant.
Shri S.K. Tiwary on behalf of Shri S.N. Tiwary,
counsel for private respondents.

None for the official respondents.

List it for hearing on 30.5.2000.

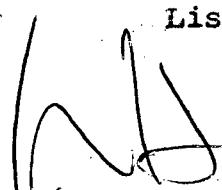
SRK/


(L.HMINGLIANA)
Member (A)
(Lakshman Jha)
Member (J)

22/30.5.2000 None for the parties.

List it for hearing on 24.7.2000

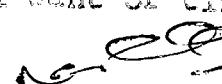
AKJ


(L.HMINGLIANA)
MEMBER(A)
(L.JHA)
MEMBER(J)

23./ 24.7.2000.

For want of time, hearing is adjourned to 24.8.2000.

/CRS/


(L.R.K. PRASAD)
MEMBER (A)
(S. NAMYAN)
VICON-CHALMAGI

24/24.08.2000 : Shri J.K.Karn, counsel for the applicant.

Shri G.K.Agarwal, ASC for the respondents.

Id. counsel for the applicant submits that the relief/s sought for has been made available to the applicant and, accordingly, he wanted to withdraw this case.

In the light of the submission made, this OA is dismissed as withdrawn.

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


(S.Narayan)/V.C.