

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA.

O.A. No. 23/2006

Date of order : 01.04.2009

C O R A M

Hon'ble Ms. Sadhna Srivastava, Judicial Member
Hon'ble Mr. Amit Kushari, Administrative Member

Anuj Kumar, Applicant.

[By Advocate: Mrs. Rekha Prasad]

- Versus -

Union of India & Ors. Respondents.

[By Advocate - Shri S.K. Tiwary, ASC for official respondents]

O R D E R

[ORAL]

By Ms. Sadhna Srivastava , J.M.:- The applicant seeks a direction upon the respondents to provide him alternative appointment considering his long services rendered previously in the same department on the post of EDBPM.

2. The facts of the case, in brief, are that the applicant was



initially appointed as EDBPM Bhadeji Branch office, Gaya by the Senior Superintendent of Post Offices, Gaya Division, Gaya. The appointment was challenged by Pramod Kumar through OA 159/2007. The aforesaid OA was allowed and the appointment of the applicant was set aside by order dated 24.12.2001 (Annexure A/9) and his services were terminated in the light of CAT's order. Aggrieved by the aforesaid order passed in the OA the applicant filed a Review Application which was also dismissed on 17.08.2005 (Annexure A/13). Now the applicant claimed that he had served the respondents for a long time and further that his appointment had been quashed for no fault on his part, therefore, he should be adjusted/accommodated by the respondents on some equivalent post. The applicant has placed reliance on the judgment rendered by the Apex Court in Suman Verma Vs. U.O.I. & Ors., 2004 (Vol. 12) SCC 58, and submitted that the applicant is entitled for alternative appointment.

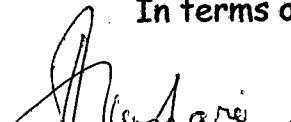
3. Shri S.K. Tiwary, Id. counsel for the respondents has filed written statement and submitted that under the rules there is no



provision for alternative appointment to a candidate whose appointment has been set aside by the Tribunal. Therefore, the OA is liable to be dismissed.

4. Heard the learned counsel for the parties. Since the representation filed by the applicant is also pending before the Chief Post Master General, Bihar Circle, Patna, i.e. Respondent No. 2, we think it appropriate to remit the matter to the Respondent No. 2 to consider the claim of the applicant regarding alternative appointment in accordance with rules/circulars and law on the subject and decide the same by a reasoned and speaking order within a period of three months. The applicant is directed to file a copy of OA along with certified copy of this order before Respondent No. 2 within a week from the date of receipt of certified copy of the order.

5. In terms of the above directions, the OA is disposed of.


[Amit Kushari]
Administrative Member

srk. 


[Ms. Sadhna Srivastava]
Judicial Member