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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR. BENCH, JAIPUR.

Date of Decision: 02.9.93.

OA 515/93

RAJENDRA PRASAD SHARMA

... APPLICANT.

V/s.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM:

HON. MR. GOPAL KRISHNA, MEMBER (J).
HON. MR. O.P. SHARMA, MEMBER (A).

For the Applicant

... SHRI K.L. THAWANI.

For the Respondents

... ---

PER HON. MR. O.P. SHARMA, MEMBER (A).

The applicant, Rajendra Prasad Sharma, has filed this application u/s 19 of the Administrative Tribunals Act, 1985, praying that the respondent Nos.1 to 4 (all Govt. respondents) be directed to implement the judgement of this Tribunal dated 12.7.93 in OA 480/91 (Annexure A-3), without any adverse effect on the applicant. The applicant has further sought a direction that his services should not be terminated in view of the judgement dated 12.7.93 in the said OA.

2. The facts of the case are that the applicant had earlier filed an OA 162/90 against the termination of his services as Extra Departmental Branch Post Master. By order dated 22.7.91 (Annexure A-1), this Bench of the Tribunal had quashed the order of removal of services of the applicant.

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In pursuance of the said order of the Tribunal, the applicant was taken back in service and he is still continuing as such.


3. After the removal of the applicant from service, one Shri Prayag Narain Sharma was appointed to officiate in place of the applicant. Once the order was passed by the Tribunal reinstating the applicant in service, and the applicant was reinstated in service, Shri Prayag Narain Sharma stood relieved from his duties. There-upon Shri Prayag Narain Sharma filed an application (OA 480/91) before this Tribunal. The said application was disposed of by the Tribunal by order dated 12.7.93. In the Tribunal's order it was stated that there was only an order that Shri Prayag Narain Sharma should hand over charge to the applicant, but apart from that no order in writing had been communicated to Shri Prayag Narain Sharma terminating his services. In the circumstances, the Tribunal ordered that Shri Prayag Narain Sharma should be considered to be in service and should be paid the pay and allowances according to rules. However, the Tribunal gave liberty to the respondents to pass order according to law terminating the services of Shri Prayag Narain Sharma, if necessary, in writing.

4. At present, in pursuance of the order of this Bench of the Tribunal in OA 162/90 dated 22.7.91, the applicant is working in his original post and Shri Prayag Narain Sharma is no longer occupying the post to which he was appointed during the period when the applicant stood relieved from service. At present there is no cause of action available to the applicant about which

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he can agitate before the Tribunal. The applicant has sought implementation of the Tribunal's order dated 12.7.93 in OA 480/91 in the case of Shri Prayag Narain Sharma, without prejudice to his own (applicant's) case and has further sought a direction that his services should not be terminated while implementing the Tribunal's order in OA 480/91. As far as the applicant is concerned, as already stated above, he has been taken back in service in pursuance of the order of the Tribunal in OA 162/90. The present OA filed by the applicant is not maintainable. If any prejudice is caused to the applicant by implementation of the Tribunal's order in OA 480/91 in the case of Shri Prayag Narain Sharma, the applicant will naturally have a right to come to this Tribunal.

5. The present application being not maintainable is dismissed without any order as to costs.


(O.P. SHARMA)
MEMBER (A)


(GOPAL KRISHNA)
MEMBER (J)