

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

CIRCUIT COURT AT GUALIOR

Criminal Application No. 512 of 1997

Gwalior, this the 25th day of April 2003

Suresh Prasad Mahor, S/o.
Sukhlal Mahor, Aged : 28 years,
R/o. Village Chandokhar,
Tehsil Gohad, Dist. Bhind,
Madhya Pradesh.

... Applicant

(By Advocate - Shri B. Sharma)

V e r s u s

1. Union of India, through the Secretary, Department of Posts and Telegraphs, New Delhi.
2. The Senior Post Mater General, Bhopal, Division, Bhopal.
3. The Assistant Post Master General, Indore, Indore Region.
4. The Superintendent of Post Offices, Chambal Division, Morena.
5. The Dist. Post Master, Bhind.
6. Shri Brijmalsingh Tomar, Mehgam Sub-division, Inspector of Posts, Mehgam, dis Bhind.
7. Shri Rameshsingh Tomar, S/o. Shri Kedarsingh Tomar, Occupation : Contractor, R/o. Village Chandokhar, Thsl. Gohad, Dist. Bhind.

... Respondents

(By Advocate - Shri P.N. Kelkar for official respondents and Shri B.S. Bhadoriya for private respondent No. 7)

OR D ER

By J.K. Kaushik, Member (Judicial) :-

Shri Suresh Prasad Mahor has filed the original application for seeking a direction to the respondents to reinstate the applicant on the post of Extra Departmental Post Master (SIC Postmaster) and to extend him the ancillary benefits and also to set aside the appointment of Shri Ramesh Singh Tomar.

2. The factual aspect of the matter as culled from pleadings of the parties depicts that the applicant was duly selected for the post of Extra Departmental Branch Postmaster in pursuance with the advertisement dated 26/07/1995 (Annexure A/1). He was at the merit No. 1 and even appointment order was issued in favour of the applicant by the competent authority. However there was some manipulation by SDI(P), Mehgam in as much as Shri Ramesh Singh Tomar was given the charge of the post on which the applicant was approved and ordered to be appointed. Further admitted position of the case is that on the complaint of the applicant Shri Ramesh Singh Tomar was asked to give his charge to EDMC or EDDA and an order dated 03/10/1996 was issued to this effect. Said Shri Ramesh Singh Tomar filed original application No. 749/1996 (Annexure R-D7/2) which came to be dismissed with costs in addition to certain strictures which was passed against the SDI(P) i.e. Shri Brijmal Singh Tomar. It is also on the record of this case that Shri Brijmal Singh Tomar has challenged the order in the Hon'ble High Court wherein stay order has been issued so far as it relates to the direction of taking needful action against the said SDI(P). We have affirmed the position regarding Shri Ramesh Singh Tomar that he has not challenged the order of the Tribunal before the Hon'ble High Court.

3. We have heard the learned counsel of the parties and at the very outset record our appreciation for extending valuable assistance to the court in a fairest possible manner. There has been no dispute as regards the factual aspect of the matter concerned. The only contention which has been raised on behalf of the official respondents is that since the matter was pending for adjudication before this Tribunal and they could not take any action after the rejection of the case of Shri Ramesh Singh Tomar and the appointment letter

of the applicant could not be acted upon. It has also been submitted that there has been changes in the situation in as much as the post office where the applicant was to be appointed is going on loss and there is hardly any necessity of continuing such post office and the work could very well be managed by the other Extra Departmental Agents of the Department.

4. The submission of the learned counsel for the official respondents is plausible and looks attractive but the same is in fact ~~deceptive~~^{are}, ~~We~~ constrained to observe that even though it is for the executives to create or abolish the post or fill up or not to fill up the post but it is not understood as to how the question of loss has been attached to a Post Office. The Post Office running is a welfare activity of the Government and it is not a profit making institution. However the matter is otherwise also not of significance since the advertisement was issued by the respondents themselves to fill up the post and so long the post ~~has~~ /not been abolished. Such plea coming out from a model employer can be aptly described as misconceived. However there hardly remains any controversy in the matter after the rejection of the case of Shri Ramesh Singh Tomar and the clear admission of the respondents that the applicant was duly selected and even the appointment letter was also issued.

5. In this view of the matter it could safely be concluded that there is an ample force in the original application and the same deserves to be allowed. It was a fit case where the respondents ought to have been saddled with exorbitant cost. But since this Tribunal itself has illustrated the seriousness of the matter in Ramesh Singh Tomar's case ^{are} supra, ~~we~~ fully contended on this point.

6. In the result the original application is allowed. The

respondents are directed to forthwith appoint the applicant on the post of Extra Departmental Branch Postmaster at Chandokhar. The applicant shall be entitled to all consequential benefits from the date of his initial appointment letter except monetary payments. However there shall be no order as to costs.

JK Kaushik

(J.K. KAUSHIK)
MEMBER (J)

CK Upadhyaya

(R.K. UPADHYAYA)
MEMBER (A)

पूळंकन सं ओ/न्या.....जबलपुर, दि.....

प्रतिरिक्षित दाने की अपीली-

(1) सतीब, लोग विवाह ताड उपोत्तराशन, जबलपुर
(2) अस्पत्त लिंग, लोटु.....के काउसल T.B. Shrivastava, Adm. GWh
(3) प्रत्यर्थी लोटु.....के काउसल P.N. Kelkar, Adm. GWh
(4) ग्रन्थालय, लोटु, जबलपुर लोटुरीत
मुद्रना एवं आवश्यक कार्यवाही हेतु

अप्रृष्टस्त्राम
21/5/03