

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 29th day of November, 2006

ORIGINAL APPLICATION NO.88/2005

With

MISC. APPLICATION NO.325/2005

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER

HON'BLE MR.J.P.SHUKLA, ADMINISITRATIVE MEMBER

Prahlad Das Sen,
Sub Post Master,
Sub Post Office Virat Nagar,
District Jaipur.

By Advocate : Shri Shyam Sunder Sharma

... Applicant

Versus

1. Union of India
Through Secretary,
Department of Post,
Government of India,
New Delhi.
2. Director Postal Services (HQ),
O/o Chief Post Master General,
C-Scheme, Jaipur.
3. Superintendent of Post Offices,
Jaipur (MFL) Division,
Jaipur.
4. Smt.Sarita Singh,
Director of Postal Services (HQ),
O/o CPMG, Jaipur.

By Advocate : Ms.Dilshad Khan, proxy counsel for
Mr.S.S.Hasan

... Respondents

ORDER (ORAL)

The applicant has filed this OA thereby praying
for the following relief :

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"It is, therefore, humbly prayed that the application may kindly be admitted and allowed and by an appropriate order or direction the respondents may kindly be directed to keep the applicant in service till the attainment of his superannuation and order may kindly be issued to direct the respondents not to retire the applicant prematurely vide order dated 10.12.2004 w.e.f. 12.3.2005 or on any other computed date."

2. Notice of this application was issued to the respondents, who have filed their reply.

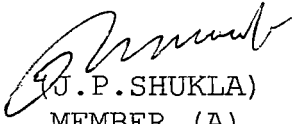
3. Briefly stated, the facts of the case are that the applicant, who was a Postal employee, was retired prematurely vide order dated 10.12.2004 (Ann.A/1), passed by the Superintendent of Post Offices, Jaipur, under Rule-48 of the CCS (Pension) Rules, 1972. Against the impugned order, the applicant has also filed representation before the Committee. The said representation was pending and in the meantime the respondents filed reply to the OA thereby opposing the claim of the applicant. However, during the pendency of this OA, applicant's representation dated 30.12.2004 (Ann.A/2) has been considered by the representation committee and it has been observed that though the performance of the applicant was generally average and he has been penalised a few times for non-performance/poor performance but his integrity has not been recorded to be doubtful. Therefore, the Committee recommended reinstatement of the applicant in service. Accordingly, in pursuance of the recommendation of the representation committee, the Assistant Director General passed the order dated 5.7.2005, whereby the applicant has been reinstated in service. The respondents have placed copy of the said order dated 5.7.2005 on record as Ann.MA/R/1. It is further stated that the applicant has also

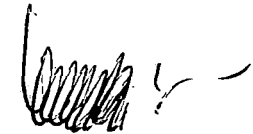
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been informed by the Superintendent of Post Offices, Jaipur, about his reinstatement, vide letter dated 26.7.2005 (Ann.MAR/2).

4. In view of this subsequent development, this OA does not survive for consideration. It is however made clear that in case the applicant is still aggrieved, it will be open for him to file a substantive OA and disposal of this OA will not come in his way to claim such relief as are admissible to him in accordance with law.

5. With these observations, the OA as well as MA shall stand disposed of.


(J.P.SHUKLA)
MEMBER (A)


(M.L.CHAUHAN)
MEMBER (J)

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