

(Reserved on 11.04.18)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

This the **13th** day of **April, 2018**

Present:

HON'BLE DR. MURTAZA ALI, MEMBER-J.

HON'BLE MR. GOKUL CHANDRA PATI, MEMBER-A.

**CIVIL MISC. AMENDMENT APPLICATION NO. 330/2519/2017
IN
ORIGINAL APPLICATION NO. 330/536/2013**

Khairatul IslamApplicant.

V E R S U S

Union of India and others. Respondents

Present for the Applicant : Shri Arvind Srivastava

Present for the Respondents: Shri Saurabh Srivastava

ORDER ON AMENDMENT APPLICATION

(Delivered by Hon'ble Mr. Gokul Chandra Pati, A.M)

The applicant of this OA was working as a GDS-Branch Post Master while also working as a teacher in a private school. Then he submitted his resignation as GDS vide his letter dated 18.01.2011 (Annexure-9) to the respondents. Subsequently, when the respondents advertised to fill up the GDS post from which the applicant had resigned, he approached this Tribunal on the plea that the respondents cannot fill up the post without accepting his resignation and clearing his dues and that he had submitted his

resignation under pressure from the management of the private school. When the pleadings in the OA were complete and it was due for final hearing, the applicant has filed a Civil Misc. Amendment Application No. 2519/2017 praying for some amendments to the OA.

2. Learned counsel for the applicant was heard on the amendment application. He submitted that the respondents have issued an advertisement dated 30.10.2017 to fill up the post of GDS in branch office Dhatri, Firozabad H.O. under Mainpuri division, where the applicant was working as GDS. He wanted to challenge the advertisement dated 30.10.2017 in respect of the post of the GDS in Dhatri branch office under Firozabad H.O. and the reasons under the facts/grounds in the OA.

3. Learned counsel for the respondents opposed the amendment on the ground that as mentioned in the Counter, the resignation of the applicant has been accepted since 2011. So, the claim of the applicant has no basis and the applicant cannot challenge the advertisement at this stage.

4. We have considered the submissions of the parties regarding the amendment application and are of the view that if the advertisement dated 30.10.2017 is not challenged in respect of the

GDS of Dhatri branch office, then the respondents can fill up the post and in that case, the OA will become infructuous. Hence, we allow the amendment application No. 2519/2017 and direct the applicant to amend the OA within a week. The respondents are at liberty to file a Suppl. Counter Affidavit on the amendments incorporated in the OA within three weeks and the applicant may file Suppl. Rejoinder only on the points covered in the Suppl. Counter before next date.

5. List on 30.05.2018 for final hearing under "Directions".

(Gokul Chandra Pati)
Member (A)

(DR. MURTAZA ALI)
Member (J)

Anand...