

**CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH  
LUCKNOW**

**Original Application No. 332/00210/2018  
This the 07<sup>th</sup> day of June, 2018**

**Hon'ble Mr. Justice V.C Gupta, Member - I**

Smt. Neera Singh W/o Sri Jagdish Br. Singh Village and Post Shahbari Distt. Pratapgarh.

..... Applicant

By Advocate: Sri A.P. Singh.

**VERSUS**

1. Union of India through the Secretary, Ministry of Communication, Department of Posts, New Delhi.
2. Senior Superintendent of Post Office, District Pratapgarh.
3. Sub Divisional Inspector, Post Offices, Sub Division - Lalganj, Pratapgarh.

..... Respondents

By Advocate: Sri Rajesh Katiyar

**ORDER (ORAL)**

**Delivered by: Hon'ble Mr. Justice V.C Gupta, Member - I**

Heard the counsel for the applicant and counsel for the respondents.

2. The brief facts giving rise to this petition are that the applicant was appointed provisionally on the post of GDS BPM, Shahbari, District Pratapgarh vide appointment letter dated 23.12.2002 against the post fall vacant on account of termination of one Sri Veer Pratap Singh working in the Postal Department. The provisional appointment was made with a rider that in case a decision is taken in favour of Sri Veer Pratap Singh and he comes back into the service, the provisional appointment will be terminated without notice. Copy of letter by which the appointment was made is annexed as Annexure A-1. Sri Veer Pratap Singh has challenged his termination order before this Bench by filing an O.A No. 244/2003 which was decided on 28.01.2010. The Tribunal set aside the termination order and specific direction was given to the respondents to reinstate Veer Pratap Singh with all consequential benefits except back wages. This order was

challenged by the respondents before the Hon'ble High Court by filing a writ petition No. 769 of 2010, Union of India Vs. V.P. Singh which was dismissed by Hon'ble High Court by affirming the judgement of the Tribunal vide order dated 09.04.2018.

3. After passing the order by the Hon'ble High Court, the applicant expects that in terms of the order of the appointment, her services may be dismissed. She made a representation on 08.05.2018 and requested that she has provisionally worked for more than 15 years on the post GDSBPM and requested that she may be accommodated to appropriate place and pointed out that one post is lying vacant in Branch Post Office Katehti, Pratapgarh and against that vacancy she may be accommodated. When no response has been given by the respondents, the present application has been filed.

4. The applicant relied upon guidelines issued for regulating substitute/provisional arrangement made in place of regular GDS. Para 12 to these guidelines quoted in the pleadings and stated on the strength of these guidelines that in case of provisional appointment, appointment should be made from waiting list candidates for being considered for regular appointment after she/he has completed three years of provisional employment.

5. As yet the services of the applicant have not been terminated in terms of order of appointment, this Tribunal is of the view that the instant petition is pre mature. However, as the request has been made by the counsel for the applicant for considering the representation, this petition is finally disposed of at the admission stage with direction to the respondents to consider the claim of the applicant as contained in Annexure A-7 in accordance with law.

14. Accordingly, the O.A is finally disposed of at the admission stage. There shall be no order as to costs.

(Justice V.C. Gupta)  
Member (J)

RK