

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No. 2685/2003

New Delhi, this the 11th day of November, 2003

Hon'ble Shri Shanker Raju, Member (J)

Anil Kumar Mishra,  
s/o Shri Phulwari Lal Mishra,  
Ex-GDS Branch Post Master Lodhamal,  
Via Mirechi Distt. Etah. ....Applicant

(By Advocate: Shri D.P. Sharma)

Versus

1. Union of India through  
Secretary,  
Ministry of Communication and I.T.  
Department of Posts, Dak Bhawan,  
Sansad Marg, New Delhi.
2. The Director Postal Services,  
O/O the Postmaster General,  
Agra Region-Agra.
3. The Superintendent Postoffices,  
Etah Division, Etah. .... Respondents

(By Advocate: None)

ORDER (ORAL)

Heard the learned counsel for the applicant

Shri D.P. Sharma.

2. Applicant's appointment was provisional  
subject to culmination of disciplinary proceedings  
against one Shri Dhanpal Shah, EDBPM, who was to put  
back in service after exhausting all remedies. In my  
considered view the applicant has no rightful claim for  
regularisation as EDBPM. However, keeping in view the  
decision of the Apex Court in Union of India & Ors.  
vs. Debika Gupta & Ors., 2000(2)SCSLJ 132, it is for  
the department to consider the claim of EDP employees,  
who have worked for a long period, for absorption.

(S)

3. As the representation preferred by the applicant has not yet been responded to, the present OA is disposed of with a direction to the respondents to consider the present OA as a representation of the applicant and consider his request for regularisation in the light the decision of the Apex Court rendered in the case of Debita Gua & Ors (supra) by passing a detailed and speaking order within two months from the date of receipt of a copy of this order. No costs

S. Raju

(Shankar Raju)  
Member (J)

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