

Manoj Kumar Rai

Vs

Union of India and others

Civil Appeal No. 4767 of 1992

(L.M. Sharma, N. Venkatachala JJ)

06.11.1992

Judgement

VENKATACHALA, J.:-

1. Special leave to appeal, as sought, is granted. Appeal is being disposed of after hearing learned counsel appearing on both sides.
2. Manoj Kumar Rai, the appellant, and Shiv Shankar Rai, respondent 4, were candidates sponsored by Employment Exchange for being appointed to the post of Extra-Departmental Runner of Kund Branch (Muftiganj) Post Office, Jaunpur. Respondent 4 came to be appointed to that post on 20-6-1988. But Senior Superintendent of Post Offices, taking the view that the appellant, having regard to his higher merit, should have been appointed to the post to which respondent 4 had been appointed, cancelled the appointment of respondent 4 and appointed in his place the appellant, by his Order dated 8/13-9-1988. Then respondent 4 questioned the said Order of Superintendent of Post Offices before the Central Administrative Tribunal (CAT), which by its judgment dated 14-5-1991 set aside the order questioned before it and directed the postal authorities to reinstate respondent 4 in the post of Extra-Departmental Runner within two months, however, giving liberty to the postal authorities to review the matter. It is this judgment of the CAT which is appealed against by the appellant and is now under our consideration.
3. What was strongly urged before us by the learned counsel for the appellant against the judgment under appeal was that the Tribunal when by its judgment enabled the postal authorities to review the matter relating to appointment of either the appellant or respondent 4 to the post of Runner, the direction given by it to the postal authorities that the appellant who had served in that post for nearly three years, being appointed because of his higher merit than that of respondent 4, should be replaced by respondent 4 pending review of the matter, was most unjust and warranted our interference. The point urged on behalf of the appellant, in our view, merits acceptance, in as much as, there was absolutely no justification for replacement of the appellant by respondent 4 for a short time pending review of the matter by the postal authorities.
4. We, therefore, allow this appeal, set aside the judgment of the CAT in appeal, however directing the respondents-postal authorities, to review the matter as to whether the appellant or respondent 4 calls to be appointed in the post of the Runner and render its final decision thereon within six months from today. No costs. Order accordingly.

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