

Central Administrative Tribunal
Principal Bench

(S)

O.A. No. 1892 of 2000

New Delhi, dated this the 18th October 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Ms. Geeta Vyas,
D/o Shri N.D. Vyas,
R/o Vill. & P.O. Banjarawala,
Dehradun,
Uttaranchal. . . Applicant

(By Advocate: Shri M.K. Bhardwaj)

Versus

1. Union of India through
the Secretary,
Ministry of Communication & Posts,
Dak Bhawan, New Delhi.
2. The Post Master General,
Dehradun Circle, Dehradun.
3. The Sr. Superintendent of Post Offices,
Dehradun Circle,
Dehradun, Uttaranchal. . . Respondents

(By Advocate: Shri D.S. Jagotra)

ORDER

S.R. ADIGE, VC (A)

Applicant impugns the order dated 21.11.2000
(Ann. 1) terminating her services under Rule 6(a) &
(b) P&T Extra Departmental Agents Conduct and Service
Rules, 1964.

2. Heard.

3. Admittedly, consequent to one Shri S.S. Gurung retiring on 17.11.99, the post of EDBPM, Banjarawala, Dehradun fell vacant. Accordingly the vacancy was notified and applications were invited. On receipt of applications, the same were assessed.

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One Amrit Jain was first in order of merit, but as he was unable to provide a suitable place for housing the post office at Bangarawala, Applicant who was second in order of merit, and could provide place for the post office at Banjarawala was, therefore, selected and appointed as EDBPM, Banjarawala and took charge on 15.2.2000.

4. Respondents state that the appointment was reviewed by PMG, Dehradun and he directed the appointing authority to cancel her appointment after giving one month notice, as applicant as well as other candidates did not have independent source of income and adequate income of her/their own which was one of the essential conditions for appointment as EDBPM. It is stated that applicant while applying for the post had left the column of monthly income blank. She had, however, shown the source of her income as agriculture and ancestral property but did not submit any certificates to that effect or the certificate of her own income from the revenue authority as per requirement stated in the notification. Instead she had submitted an affidavit from her father showing that she was dependent on his income.

5. Applicant's counsel has asserted that the PMG, Dehradun had no legal authority to review the applicant's appointment as EDBPM, Banjarawala and issue directions to the appointing authority, and acceptance by the appointing authority of directions

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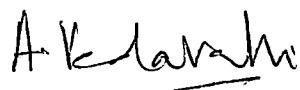
from PMG, Dehradun was illegal and arbitrary. Reliance is placed on CAT, Ernakulam Bench order dated 23.8.93 in T.G. Gowri Kutty Vs. Superintendent of Post Office, Alapuzha and another. (1994) 26 ATC 159.

6. We have perused that order dated 23.8.93 carefully. The Tribunal rightly intervened in that case because no reason had been given by respondents in that case why the PMG, Kochi did not approve the selection. Under those circumstances, the Bench held that applicant's termination of service was arbitrary. In the present case it is clear that there were reasons which compelled the PMG, Dehradun to direct the appointing authority to cancel applicant's appointment after giving one month's notice because she failed to produce proof of her independent income. The order in Gowri Kutty's case (supra) cannot be construed to mean that even where the PMG has good and sufficient reason to hold that the appointment of an EDBPM is not in accordance with rules/instructions, he is precluded from issuing suitable directions to his subordinates in this regard.

7. In the particular facts and circumstances of this case which shall not be treated as a precedent, we dispose of this O.A. with a direction to ^{the appointing authority} ~~respondent~~ to give applicant a show cause notice further to the impugned notice dated 21.11.2000; give her 6 weeks time from the date of its receipt to submit a reply supported by such materials as she has

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in her possession, and on receipt of the reply dispose of the same in accordance with rules and instructions, under intimation to applicant. Till then applicant should not be disturbed from her present post as EDBPM, Banjarawala. If applicant, however, fails to submit any reply to the show cause notice within the time allowed, it will be open to respondents to proceed in accordance with rules and instructions. No costs.



(Dr. A. Vedavalli)
Member (J)

karthik



(S.R. Adige)
Vice Chairman (A)