

30.6.2000

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04709/97

Present : Hon'ble Mr. Justice for Appellants
Hon'ble Mr. Justice for Respondent

Heard Arguments

Orders passed separately in open court.

B.O.

6m
C. O. C. P.

Bench :

Hon'ble Vice Chairman,
Hon'ble Mrs. Shanta Chaudhary, etc.

(16)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No. 703/19997

New Delhi, this 30th day of June, 2000

Hon'ble Justice Shri V.Rajagopala Reddy, VC(J)
Hon'ble Smt. Shanta Shastry, Member(A)

Dire Chandra
Vill. Post Veer Nagar
Dt. Aligarh, UP .. Applicant

(By Shri A.K.Trivedi, Advocate)

versus

Union of India, through

1. Director General
Department of Post, New Delhi
2. Chief Post Master General
UP Circle, Lucknow
3. Post Master General
Agra Region, Agra
4. Senior Superintendent of Post Office
Aligarh Division, Aligarh .. Respondents

(By Shri S. Mohd. Arif, Advocate)

ORDER(oral)

By Reddy, J. -

The applicant was appointed as Extra Departmental Branch Post Master on 5.10.90 by order dated 19.9.90. Respondents however had terminated the services of the applicant under Rule 6 of EDA Conduct & Service Rules, 1964 by order dated 25.6.91. The grievance of the applicant is that he was not given any show cause notice or opportunity prior to termination. He submitted an appeal on 31.5.1992 to the Respondent No.2 but no action was taken till date.

2. Learned counsel for the applicant submits that the order of termination under Rule 6 was camouflaged for taking action against him on the ground that the applicant was involved in a criminal case.

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3. In the reply, it is stated that out of the 7 candidates sponsored by the Employment Exchange, the applicant was selected and appointed provisionally. As it was found that the applicant was involved in a criminal case, it was found that it was not in public interest to continue him in service and hence he was removed from service under Rule 6 of the above Rules.

4. Learned counsel for the respondents has also taken preliminary objection as to the bar of limitation in filing the OA.

5. The OA is hopelessly barred by limitation. The order of termination was passed in 1991. Hence the applicant should have questioned the order of termination within the period of limitation as contained in Section 21 of AT Act, 1985. Learned counsel for the applicant states that the applicant filed an appeal and the same was not yet disposed of and therefore the OA was not filed earlier. We have seen the so-called appeal dated 31.5.92 as filed at Annexure C. It was only a representation and not an appeal filed under any statutory Rules. Repeated representations will not extend the period of limitation. The OA is therefore liable to be dismissed on the ground of limitation.

6. Applicant, as seen from the appointment letter, was provisionally appointed for a period of three months by order dated 19.9.90, in which it was clearly stated that the provisional appointment was liable to be terminated without notice and without assigning any reason. Services of the applicant were terminated by order dated

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25.6.91 under Rule 6 of the abovesaid Rules, according to which services of an employee who had not rendered more than three years continuous service can be liable to be terminated any time without notice. Thus no notice is required before termination. The contention that no prior notice was given is therefore not sustainable.

7. The learned counsel for the applicant further contends that the order of termination was passed only on the ground that the applicant was involved in a criminal case and prior notice of misconduct should have been issued. It is true that in 1991 prior to the order of appointment, there was a criminal case pending against the applicant. As seen from the counter, the department having found that the applicant was involved in a criminal case issued the order of termination. But it should not be understood to mean that the order of termination was passed on the ground of misconduct or involvement in a criminal case. Since the applicant was appointed for a period of 3 months and his appointment was only provisional it was open to the department to terminate his services under Rule 6 without assigning any reason. We are of the view that there is no infirmity in the order.

8. The OA is accordingly dismissed. No costs.

Shanta &

(Smt. Shanta Shastry)
Member(A)

Chinnarayulu

(V.Rajagopala Reddy)
Vice-Chairman(J)

/gtv/