

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

M.A.NO.1690/95

in

O.A.NO.456/94

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Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 8th day of November, 1995

Shri Baljit Singh
s/o Shri Vijay Singh
R/o Delhi
C/o Shri Sant Lal
Advocate
C-21(B)
New Multan Nagar
DELHI - 110 056.

... Applicant

(By Shri Sant Lal, Advocate)

Versus

Union of India through

1. The Secretary
Ministry of Communications
Department of Posts
Dak Bhawan
NEW DELHI - 110 001.

2. The Chief Postmaster General
Delhi Circle
Maghdoot Bhawan
New Delhi - 110 001

3. The Senior Superintendent of Post Offices
Delhi East Division
Delhi - 110 051.

4. The Asstt. Superintendent
of Post Offices
Delhi East Sub-Division
Delhi - 110 051.

.... Respondents

(By Shri B.Lal, Advocate)

O R D E R (Oral)

Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)

9 ~ This Original Application has been filed under
Section-19 of the Administrative Tribunal Act, 1985, The
applicant has assailed the order of the Assistant Superintendent
of Post Offices dated 11.8.1989 terminating ^{his} the services
as E.D.Packer under Rule 6 of E.D.Service Conduct Rules 1964

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✓ and has sought for a direction to respondents to reinstate the applicant in service forthwith, with continuity of service and also to give him the consequential benefits of back wages restricted to a period of one year preceding the date of filing of this application.

2. The applicant was selected and regularly appointed as E.D. Packer and he joined duty as such on 29.4.1989(AN). Now by the impugned order dated 11.8.1989, his services were terminated purportedly under Rule 6 of E.D. Agents Service and Conduct Rules, 1964. Though no reason was stated in the order, the applicant came to know that the reason for termination was something which came to the notice of the Department on verification of the character and antecedents of the applicant. The applicant has stated that the information gathered by the Department i.e. conviction in a criminal case did not relate to the applicant but to some other person and therefore, there is no justification for terminating his services inasmuch as there was nothing adverse in the antecedents of the applicant which ~~was~~ resulted the termination of his services. It is under these circumstances that he assailed the impugned order and sought the relief as aforesaid.

3. In the reply statement, the respondents have contended that after the appointment of the applicant as E.E. Packer, on verification with the police of the character and antecedents of the applicant, it came to light that the applicant was convicted for offences under Section 324, 323, 326, 148, 149 and 482 of I.P.C. by the Judicial Magistrate of first class in connection with the




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case in (FIR No. 71 dated 2.5.1984) and it was for that reason that the applicant's services were terminated.

4. In the rejoinder, the applicant has reiterated his stand that there was nothing adverse in the character and antecedents of the applicant, and that the details of conviction said to have been received by the Department from the Police related to a different person. While the application was heard on 11.8.1995, on the M.A. No. 1690/95, the Bench directed the first respondent to depute a responsible officer other than the Respondent No. 2 to 4, to enquire into the matter and submit a report on affidavit as to the correctness or otherwise of the contents of M.A. No. 1690/95. The averments in MA was that the conviction did not relate to the applicant. In pursuance to the above direction, a responsible officer was deputed by the first respondent who submitted a report stating that the conviction actually related to somebody else and not the applicant. On the basis of the above report, an affidavit has been filed on behalf of the first respondent wherein it has been stated that the applicant was not convicted by any Court of Law so far, and that the conviction related to another person.


5. From what is stated above is obvious and apparent that the action taken by the respondents in terminating the services of the applicant by the impugned order dated 11.2.89 at Annexure A-1 was unjustified, callous and without application of mind. Therefore, we are left no option but to quash the impugned order and direct the respondents to reinstate the applicant with continuity of services forthwith

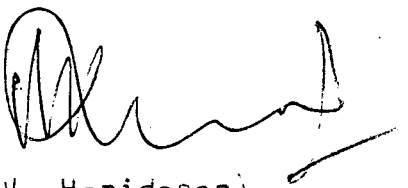


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and also to pay him back wages as claimed. In the result, the application is allowed and the impugned order is quashed.

6. The learned counsel for the respondents argued that though in the circumstances of the case the impugned order cannot stand and the applicant has to be reinstated in service, since he has not performed duties during the period he was kept out of service he is not entitled to get back wages. We are not in a position to accept this argument. The applicant was kept out of service for no fault of his and only by the hasty, unwarranted and indifferent action of the respondents. Therefore, the applicant cannot be deprived of his wages for the period. However, the applicant himself has restricted his claim for back wages for a period of one year prior to the date of filing the Original Application. In the result, in the light of what is stated above, we allow the application and set aside the impugned order dated 11.8.1989 (Annexure A-4) by which the services of the applicant were terminated and direct the respondents to reinstate the applicant in service forthwith with continuity of service and also to pay him back wages for a period commencing from the date one year prior to the date of filing of this Original Application till reinstatement. The back wages as aforesaid shall be paid to the applicant within a period of two months from the date of receipt of a copy of this order. No costs.


(R.K. Aheer)
Member (A)


(A.V. Haridasan)
Vice Chairman(J)

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