

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

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Regn.No.OA 1361/1993

Date of decision: 13.10.1993

Shri Mahesh Chand

...Petitioner

Versus

Director General, Posts & Telegraphs  
& Others

...Respondents

For the Petitioner

...None.

For the Respondents

...Shri M.I. Verma, Counsel

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN  
THE HON'BLE MR. B.N. DHOUNDIYAL , ADMINISTRATIVE MEMBER

JUDGMENT (ORAL)  
(of the Bench delivered by Hon'ble Mr.  
Justice S.K. Dhaon, Vice-Chairman)

The petitioner, an Extra Departmental Branch Post Master (hereinafter referred to as EDBPM), challenges the legality of the order dated 18.06.1993 passed by the Superintendent of Post Offices, Bulandshahr Division, Bulandshahr, whereby his appointment was terminated.

2. It appears that on 09.09.1992, the petitioner was appointed as an EDBPM. It was stated in the appointment order that his appointment is on contractual basis and is liable to be terminated by him or by the authority concerned at any time in writing and that his conduct and service shall be governed by the the Posts and Telegraphs Extra-Departmental Agents (Conduct & Service) Rules, 1964 as amended from time to time.

3. It is averred by the petitioner that the impugned order was passed without affording any opportunity of hearing to him. The reason

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given for passing the impugned order is recited in the order itself.

It states that the appointment file of the petitioner was reviewed in

inspection by P.M.G. wherein it was found that the petitioner had submitted a caste certificate from Tehsildar Wair (Bharatpur) Rajasthan, in which he was shown as resident of Village Salempur Khurd Tehsil Wair (Bharatpur) whereas the petitioner should have been a permanent resident of Post Village Viz. Jargawan (Buladnshahr). The order goes on to state that as the petitioner does not fulfil the primary condition of appointment to the post, his appointment is terminated.

4. In the counter-affidavit filed, it is not denied that no opportunity was given to the petitioner. Under the order dated 09.9.92 whereby the petitioner was appointed, he acquired some sort of a civil right which could not be impaired without affording him some sort of opportunity to explain his case. This having not been done, the impugned order was passed in violation of the principles of natural justice.

5. The application succeeds and is allowed. The impugned order is quashed. However, we make it clear that it will be open to the respondents, if they are so advised, to pass a fresh order on merits and in accordance with law.

6. There shall be no order as to costs.

B.N. Dhaoniyal  
(B.N. DHAONIYAL)  
MEMBER (A)  
13.10.1993

S.K. Dhaon  
(S.K. DHAON)  
VICE CHAIRMAN  
13.10.1993

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