

8  
11

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI:

O.A.NO.2710/93

New Delhi, this the 21st September, 1994

Hon'ble Shri J.P. Sharma, Member (J)

Hon'ble Shri B.K. Singh, Member (A)

Shri Manmohan Singh,  
s/o Shri Dongar Singh (Working as EDBPM)  
R/o Village: Tasinga (Biswar),  
Mathura.

... Applicant

(By Shri M.L. Verma, Advocate)

Vs.

1. Union of India  
through Secretary,  
Post & Telegraph Department,  
New Delhi.

2. Shri O.P. Tripathi,  
Senior Superintendent,  
Post Office,  
Mathura (U.P.)

... Respondents

(By Shri V.S.R. Krishna, Advocate)

ORDER (ORAL)

Hon'ble Shri J.P. Sharma, Member (J)

Tasinga (Biswar)

The post of EDBPM/fell vacant due to the retirement of the incumbent and applications were invited through Employment. The applicant alongwith others applied for the said post. S.I.D.(P), Mathura inquired into the matter and submitted his report on 30.4.93. It was because of the fact that the list of eligible candidates for appointment was submitted by Employment Exchange

9  
(12)

and notice was issued to them but not a single application was received from these candidates sponsored by the Employment Exchange. Thereafter from the open market 4 persons applied including the applicant and having been found eligible according to E.O.A. Conduct Service Rule, 1964. The applicant was appointed to that post by the order dated 7.9.93. The applicant has also filed the appointment letter dated 7.9.93 issued by Senior Superintendent, Post Office, Mathura. The applicant was also delivered charge of the office of EDBPM by the respondents, On 15.9.93. He has also filed the charge report as Annexure to the O.A. The grievance of the applicant is that without resorting to the relevant rules applicable to the applicant he has been discharged from the service and thereby he filed this application for grant of the reliefs that the respondents be directed not to terminate the services of the applicant without affording any opportunity to him.

2. By the order dated 28.12.93 the respondents were directed to follow the provisions of para 2 of the appointment letter dated 7.9.93 and not to dispense the service of the applicant without giving any show cause notice. The interim order continues and no show cause notice has been served and the learned counsel for the applicant stated that the applicant is still working as EDBPM, Tasinga (Biswar), District Mathura Meerut.

le

10  
13

3. On notice the respondents filed the reply. It is only stated that the case of the appointment of applicant was reviewed by Divisional Postal Superintendent, Agra on receipt of the complaint from one Shri Gyendra Kumar who was also one of the applicants for the said post and on the basis of that complaint D.P.S., Agra terminated the appointment of the applicant by the order dated 22.12.93 which was conveyed to the applicant by the order dated 24.12.93.

4. We heard the learned counsel for the parties. Earlier the matter was heard by the Single Bench and it was found that the application has been filed in the Principal Bench without the permission of the Hon'ble Chairman as required under section 25 of the A.T. Act, 1985. The necessary formalities have now been completed and by the order dated 16.9.94 the O.A. has been ordered to be retained in the Principal Bench.


5. The applicant was duly selected for the post. He is governed by the E.D.A. Conduct Service Rule, 1964. The services of the applicant can only be terminated under the provisions of the said applicable extent rules. The D.P.S., Agra by one stroke of pen without resorting to the provisions in the service rule terminated the appointment of the applicant which obviously cannot be sustained.

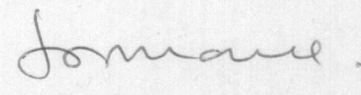
Le

14

6. The learned counsel for the respondents also could not in any way support the order dated 22.12.93 passed by D.P.S., Agra.

7. In view of above facts, the application is allowed. The order of termination of the applicant dated 22.12.93 conveyed to him on 24.12.93 is quashed and set aside. The applicant shall continue as already ordered by the interim direction dated 28.12.93 as EDBPM Tasinga (Bisawar), District Meerut, U.P. It shall be open to the respondents to take any action according to rules, if so advised. The application is disposed of accordingly. Cost on parties.

  
(B.K. SINGH)  
MEMBER (A)

  
(J.P. SHARMA)  
MEMBER (J)

'rk'