

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 24th day of April 2001.

Original Application no. 1287 of 1996.

Hon'ble Mr. S.K.I. Naqvi, Member-J

Hon'ble Mr. S. Biswas, Member-A

Iqrar Husain,

S/o Sri Jumma,

R/o Vill. Lalpur Kalan (Said Nagar)

Distt. Rampur.

... Applicant

C/A Sri AK Srivastava

Sri Sayamji Gaur

Versus

1. The Union of India,

through Sahayak Dak Adhikshak,

Rampur.

2. The Branch Post Master,

Lalpur Kalan (Said Nagar)

Rampur.

... Respondents

C/Rs Km. Sadhana Srivastava.

S. Srivastava

...2/-

O R D E R (Oral)

Hon'ble Mr. S.K.I. Naqvi, Member-J.

The post of Extra Departmental Delivery Agent fell vacant at Lalput Kalan (Saidnagar Rampur). The applicant moved for appointment to that post and after due process of interview and other formalities regarding medical test etc, he was posted on 31.8.96 and the charge of the post was taken over by him. It was on 13.11.96 that the services of the applicant were dispensed with by cancelling the whole process of appointment. The applicant has come up seeking relief to the effect that the order dated 13.11.96 be quashed through which his appointment order has been cancelled.

2. The respondents have contested the case and the facts as narrated in the OA ~~has~~ ^{have} not been disputed regarding appointment of the applicant on the post in question. It has also been mentioned that the applicant was appointed on the post on regular basis. The position has been elaborated with the mention that Shri Ram Charan who was working on the post died on 15.6.96 in harness and as per rules his son ~~who have been~~ ^{was} considered for appointment on compassionate ground. But at that time the son of the deceased employee was under age for the employment, being only 15½ years old. Therefore, the process for regular selection was initiated and the

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...3/-

applicant was appointed as such, though on regular basis, but it should have been a provisional appointment. When this mistake came into light the process of the appointment of the applicant has been **cancelled**.

3. Heard learned counsel for the rival contesting parties and perused the record.

4. It is not in dispute that the applicant was appointed on regular basis after going through due process and formalities in this regard and he held the post in question right from 31.8.96 till the impugned order was passed. It is quite evident that the applicant had never been instrumental to get his appointment order issued as regular appointee and it was not fault of his, for that he should have been ~~been~~ suffered ^{by} cancellation of his appointment, that too without affording him an opportunity of being heard or issue of any show cause notice.

5. For the above we find that the claim of the applicant deserves to be considered sympathetically and, therefore, the respondents are directed to reinstate the applicant to the post from which he has been disengaged and in case this post has been filled by appointment on compassionate ground, the applicant be provided with employment elsewhere as early as possible. The OA is decided accordingly. No order as to costs.

S. Arun

Member-A

S. Arun

Member-J