

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 23rd day of July 2001.

Original Application no. 395 of 1996.

Hon'ble Mr S.K.I. Naqvi, Judicial Member

Hon'bel Maj Gen K.K. Srivastava, Administrative Member

Susheel Kumar, S/o Sri B.S. Srivastava,
R/o Mohalla-Rai Jai Narain Colony,
Rameshwarpuri, Basti.

.... Applicant

C/A Sri M.K. Updhayaya
Sri J.M. Sinha
Sri G. Saran
Sri DP Srivastava

Versus

1. Union of India through Secretary, Post & Telegraph
Central Secretariat, New Delhi.
2. Chief Post Master General, Post Offices,
Uttar Pradesh, Lucknow.
3. Supdt of Post Offices, Basti Region,
Basti.
4. Sahayak Adhikhshak, Dakghar, Pnrvi Upmandal, Basti.

... Respondents

C/Rs. Sri SC Tripathi.

...2/-

[Signature]

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O R D E R

Hon'ble Mr SKI Naqvi Member-J

Annexure A-1 has been hit mainly on the ground that it has been passed without complying ^{with} the principle of natural justice and the applicant has been removed from the service without giving an opportunity of being heard nor this order contains any reasons for the decision to disengage him . As per applicants' case he was appointed vide order dated 2.11.1994 (Ann. A-6) and he continued in the service till this impugned order (Ann. A-1) was passed on 29.2.1996 and has unblaimished record of service.

2. The respondents have contested the case and filed counter affidavit with the specific mention that there was a complaint regarding the appointment of the applicant who was provided with the job by his uncle who on his own accord extended his ^{term} ~~turn~~ from time to time and, therefore, he has been removed on the ground of being directly related to the appointing authority.


3. Heard Shri MK Updhayaya learned counsel for the applicant and Sri SC Tripathi learned counsel for the respondents and perused the record.


4. It is quite evident from perusal of impugned order that it does not contain any reason. It is also not in dispute that the applicant was not given opportunity of being heard before this order was passed. It is settled principle of law that the pleadings cannot supplant the impugned order ^{with the} ~~but in a~~ ground which is missing their.

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5. For the above we are of the view that the impugned order cannot be sustained ^{and deserves} itself to be quashed for having been passed without observing the principle of natural justice. The impugned order is quashed ^{accordingly} with consequential benefits to the applicant but without any financial gain for the period when he remained disengaged. However, the respondents are not precluded to pass fresh order after complying with rules and law in this regard. The OA is decided accordingly with no order as to costs.


Member-A


Member-J

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