

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 27th day of August, 2002.

Original Application No. 929 of 1996.

C O R A M :- Hon'ble Mr. Justice R.R.K.Trivedi, V.C.

Hon'ble Maj. Gen. K.K.Srivastava, A.M

Abdul Waheed Khan aged 48 years s/o Shri Abdul
Nameed Khan, resident of Mohalla Garhi Noor Khan
Post Office Qayam Ganj, district Farrukhabad,
presently working as E.D.Runner Bare Bikoo, Qayam
Ganj, district Farrukhabad.

..... Applicant

Counsel for the applicant:-Shri V.Bhadur
Shri Rajesh Srivastava

V E R S U S

1. Union of India through the Secretary communication
Department of Post, Dak Bhawan, New Delhi.
2. The Postal Service Board through its Member (P)
New Delhi.
3. The Postmaster General, Kanpur jRegion, Kanpur.
4. The suprintendent of Post Offices, Fatehgarh
Division at Farrukhabad.
5. The Divisional Inspector (P), Farrukhabad
Division.

..... Respondents

Counsel for the respondents:- Shri S. Chaturvedi.

O R D E R (Oral)

(By Hon'ble Mr, Justice R.R.K.Trivedi, V.C.)

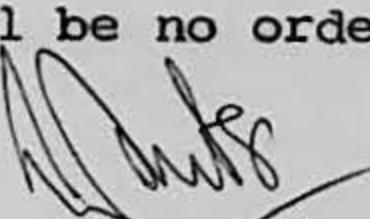
By this OA under section 19 of the Administrative
Tribunals Act,1985, the applicant has challenged the
order dated 24-06-1996 (Annexure A-I) by which the
applicant was reverted from the post of Postman to
the post of Extra Departmental Runner (E.D.R.).



2. The facts of the case are that the applicant initially joined as E.D.Runner on 20-06-1972 in post office Bara Bikoo, Gayam Ganj District Farukhabad. The examination was held for selecting Postman on 27-11-1994. The applicant appeared in this test and he was selected for promotion as Postman. The result was declared on 20-02-1995. The applicant's name found place at Sl. No. 3 in the memo of result filed as Annexure A-2. The applicant actually joined the post. However, by the impugned order dated 24-06-1996 he was reverted to the post of E.D.Runner. In the order the ~~actual~~ ^{Member} reason stated that, for Administrative reasons he is being reverted. No other reason has been stated. It is also not disputed that before passing impugned order, opportunity of hearing was not given to the applicant and it cannot also be disputed that the order entails civil consequence and such order cannot be passed without affording opportunity of hearing/explanation to the person effected, ~~and the~~ ^{and} the order can-not be sustained.

3. For the reason stated above this OA is allowed. The impugned order dated 24-06-1996 (Annexure A-1) is quashed. However, it shall be open to the respondents to pass a fresh order in accordance with law after giving opportunity of hearing to the applicant.

4. There will be no order as to costs.


Member (A)


Vice-Chairman.

/Anand/