

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

(16)

THIS THE 7TH DAY OF FEBRUARY, 2001

Original Application No.174 of 1997

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI, V.C.

HON.MR.M.P.SINGH, MEMBER(A)

Amar Nath sachan, son of Shri Jai Ram sachan
R/o Village Kaitha, aged about 40 years
Post Office Kaitha, District Kanpur Dehat,
working as E.D.B.P.M. Kaitha

....Applicant

(By Adv: Shri Sudhir Agrawal)
Versus

1. Superintendent of Post Offices(M)
Division Kanpur, district Kanpur-1
2. Chief Post Master General,
U.P.Circle, Lucknow.
3. Union of India through Secretary
Ministry of Communication
Govt. of India, New Delhi.
4. Rajesh Kumar, s/o Sri Surya Kumar Pandey
R/o Kaitha P.O.Kaitha,
District Kanpur Dehat.

(By Adv:Shri Vijay Bahadur Srivastava/Respondents
Ms.Sadhna Srivastava)
Along with OA 285 of 1997

Rajesh Kumar aged about 36 years
xxxxxson of Sri Surya Kumar Pandey, R/o Kaitha
P.O.Kaitha, district Kanpur Dehat.

.... Applicant

(By Adv: Shri Vijay Bahadur Srivastava)

Versus

1. Union of India, through the Secretary
Communication Department of
Post, Dak Bhawan, New Delhi.
2. Superintendent of Post Office(M)
Kanpur Division, Kanpur.
3. Director Postal Services
Kanpur.
4. The Post Master General
Kanpur.

.... Respondents

(By Adv: Ms.Sadhna Srivastava)

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ORDER (Oral)

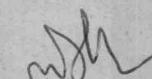
JUSTICE R.R.K.TRIVEDI: V.C,

By this application u/s 19 of A.T.Act 1985 applicant has challenged the order dated 10.2.1997 by which his service as E.D.B.P.M Post office Kaitha in district Kanpur Nagar had been terminated.

The case of the applicant is that he was duly selected on the basis of names forwarded by Employment Exchange and after selection he was given appointment on 29.11.1996. However, by the impugned order the appointment was terminated under the direction of superior authorities on the basis of the complaint lodged by respondent no.4. It is also stated that no opportunity of hearing was given to the applicant by the respondents.

In counter affidavit this fact is not denied that the appointment of the applicant was cancelled on a complaint that the less meritorious candidate was selected in an arbitrary manner. It is also not denied that opportunity of hearing was given to the applicant. The legal position is well settled that the order entailing civil consequences can be passed only after giving opportunity of hearing to the person concerned, which in this case has not been done. For the aforesaid short reason this impugned order cannot be sustained.

The application is accordingly allowed. The order dated 10.2.1997(Annexure A1) is quashed. However it shall be open to the respondents to pass a fresh order in accordance with law after giving an opportunity of hearing to the parties entrusted. No order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated: 7.2.2001