

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 7TH DAY OF FEBRUARY, 2001

Original Application No.174 of 1997

(16)

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/  
Ms.Sadhna Srivastava)  
Along with OA 285 of 1997

....Respondents

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)

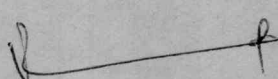
Versus

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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O R D E R (Oral)

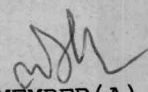
JUSTICE R.R.K.TRIVEDI: V.C,

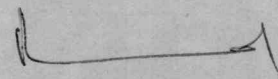
By this application u/s 19 of A.T.Act 1985 applicant has challenged the order dated 10.2.1997 by which his service as E.D.B.P.M Post office Kaitha in district Kanpur Nagar had been terminated.

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