

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

.....

Original Application No. 240 of 1997
this the 18th day of April'2002.

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, V.C.
HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER(A)

Navin Singh, aged about 26 years, S/o Sri Trilok Singh,
R/o Village Pithauni, post Chitai (Biraura) District
Almora.

Applicant.

By Advocate : Sri P. Ojha.

Versus.

1. Union of India through Secretary, Communication
Department of posts, Dak Bhawan, New Delhi.
2. The postmaster General, Bareilly Region, Bareilly.
3. The Supdt. of post offices, Almora.
4. Sri Vinod Chandra Tiwari, S/o Sri Hari Dutta Tiwari
R/o Village & post Chitai, District Almora.

Respondents.

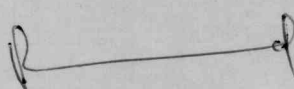
By Advocate : S/Sri S.C. Tripathi & A.V. Srivastava.

O R D E R (ORAL)

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

By this O.A., the applicant has challenged the
order dated 18.2.97 (Annexure-4) by which the appointment
of the applicant as EDBPM, ITI Branch post Office has
been terminated and the respondent no.4 has been
appointed by order dated 10.4.97 (Annexure-3) This
appointment is only till the judgment in this O.A.

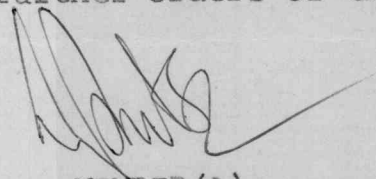
2. The facts, in short, are that for the post of
EDBPM, ITI Branch post office, names were requisitioned
from the Employment Exchange. Six names were sponsored
by the Employment Exchange including the names of

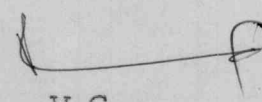


the applicant and the respondent no.4. The selection proceedings took place and the applicant was appointed by order dated 2.9.96 (Annexure-2). However, by the impugned order the appointment of the applicant has been terminated, hence the applicant has filed this O.A.

3. The Counter reply has been filed by the respondents. It appears that a complaint was filed by the respondent no.4 before the Director General, Department of Posts, New Delhi. It is not disputed that the applicant had already worked on the said post for about five months. If his appointment was being terminated on the basis of the complaint, he ought to have been given an opportunity to show-cause and personal hearing, which in the present case has not been done. The impugned order is, therefore, violative of the principles of natural justice and is liable to be quashed on the short ground.

4. The O.A. is accordingly allowed and the impugned order dated 18.2.97 is quashed. However, it shall be open for the respondent no.3 to pass a fresh order in accordance with the law after hearing the applicant and the respondent no.4. The appointment of the respondent no.4 vide order dated 10.4.97 shall be subject to further orders of the respondent no.3. No costs.


MEMBER (A)


V.C.

GIRISH/-