

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 6TH DAY OF FEBRUARY, 2001

Original Application No.181 of 1998

CORAM:

HON.MR.JUSTICE ASHOK AGARWAL,CHAIRMAN

HON.MR.S.DAYAL, MEMBER(A)

Hansraj, Son of Shri Naresh Chandra
Vill. & Post Sikandarpur,
District Farrukhabad.

.... Applicant

(By Adv: Shri Ashish Srivastava)

Versus

1. Union of India through Secretary
Department of Posts, Dak Bhawan
New Delhi,.
2. Post Master General,
Kanpur Region, Kanpur.
3. The Superintendent of Post Offices
Farrukhabad.
4. Sub Divisional Inspector(Post)
Chhibra Mau, (Fatehgarh Division)
Farrukhabad.

... Respondents

(By Adv: Shri Satish Chaturvedi)

O R D E R(Oral)

HON.MR.S.DAYAL, MEMBER(A)

This application has been filed for setting aside the order dated 10.2.1998 issued by the respondents. A further direction has been sought to direct the respondents to give benefits and privileges of continuous service as if no order of termination dated 11.2.1998^{10-2-98u} was passed with all consequential benefits.

We find from the facts of the case that the applicant was appointed as Extra Departmental Delivery Agent Sikandarpur on 11.1.1993 after termination of services of Shri Awdhesh Kumar. Shri Awadhesh Kumar challenged his termination and his case was decided on 15.1.1997 and Awadhesh Kumar was reinstated in service and the services of the applicant was terminated on 24.6.1997^{26-4-1997u}. The applicant sought appointment

Corrected
vide order
dated 15/3/2001
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at any other place as he had worked for ^{nearly} ~~merely~~ five years in the department. The applicant made an application dated 26.3.1997. The respondents issued an order dated 15.5.1997 giving alternative appointment to the applicant by which the applicant was appointed as Extra Departmental Delivery Runner Tahatpur with immediate effect terminating local arrangement. Thereafter the respondents have passed an order dated 10.2.1998 under Rule 6(b) of Extra Departmental Agent Conduct & Service Rules 1964 terminating the services of the applicant with immediate effect.

Shri Ashish Srivastava learned counsel for the applicant and Shri Satish Chaturvedi learned counsel for the respondents have been heard.

The learned counsel for the applicant has contended that the order of termination of the applicant is bad in law as it was passed without giving him any notice. He ^{has} ~~is~~ also contended that the order is bad because it has been passed after a period of continuous service of more than three years of the applicant.

The learned counsel for the respondents has contended that initially the services of the applicant as E.D.Agent Sikandarpur were terminated on account of judgment of the Tribunal dated 15.1.1997 in which the applicant in this OA was respondents and had full opportunity of defending his case and therefore his services rendered before that judgment cannot give him any benefit.

We find that the order dated 15.5.1997 giving appointment to the applicant mentions that his past services on the post of E.D.D.A Sikandarpur will be added for the benefit of computing length ^{for} ~~of~~ all the purposes.

We, therefore, find that the order of termination dated ¹⁰⁻²⁻⁹⁸ ~~15.5.1997~~ passed without giving any opportunity to the applicant is bad in law. The order is therefore set aside. The applicant shall be reinstated in service within a period of 15 days from the date of receipt of a copy of this order.

(S.DAYAL)
MEMBER(A)

(ASHOK AGARWAL)
CHAIRMAN

Uv/

Corrected vide
order dated
13/3/2001