

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 12th day of December, 2001.

Q U O R U M :- Hon'ble Mr. Rafiq Uddin, Member- J.

Orginal Application No. 1451 of 2001.

Nagendra Singh S/o Late Bhagirath Singh  
R/o Vill. and Post Jalhupur, Distt. Varanasi.

.....Applicant

Counsel for the applicant :- Sri A.K. Pandey

V E R S U S

1. Union of India through its Secretary, Communication, Post and Telegraph, New Delhi.
2. Senior Superintendent of Post Offices, East Zone, Varanasi.
3. Chief Post Master General, U.P. Lucknow.

.....Respondents

Counsel for the respondents :- Sri R.C. Joshi

O R D E R (oral)

(By Hon'ble Mr. Rafiq Uddin, Member- J.)

The applicant has filed this O.A for quashing the order dated 27.04.2001 and order dated 01.05.2001 (annexure - 4 and 5 respectivily to the O.A) and for issuing direction to respondents to appoint him on the post of Post Master on compassionate grounds.

2. The applicant's father Late Bhagirath Singh was employed on the post of Post Master, Jalhupur Post Office

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Distt. Varanasi who expired on 11.03.1999 during his service period. After the death of his father, the applicant sought appointment on compassionate grounds. The Assistant Superintendent of Post Offices, Mughalsarai, Varanasi vide letter dated 18.03.1999 (annexure A- 2 to the O.A) directed the applicant to take charge as Post Master, Jalhupur Post Office. On the basis of this letter, applicant took charge as Post Master, Jalhupur Post Office on 19.03.1999 from one Sri R.N. Singh Yadav vide charge report dated 13.03.1999 (annexure A- 3 to the O.A). The applicant claims that he continued to work on the post of Post Master, Jalhupur Post Office, Distt. Varanasi. However, vide impugned order dated 27.04.2001., the appointment of the applicant on compassionate grounds has been cancelled stating that the applicant has sufficient source of income and has no liability.

3. According to the applicant, he has no source of income and other family members are living separately. It is also claimed that the impugned orders have been passed without giving applicant an opportunity to be heard and same are liable to be quashed.

4. I have heard Sri A.K. Pandey, learned counsel for the applicant and Sri R.C. Joshi, learned counsel for the respondents and perused the record.

5. It is evident from the perusal of the impugned order dated 01.05.2001 (annexure A- 5) that the appointment of the applicant on the post of Post Master has been cancelled without affording him an opportunity of being heard. Without going into the merit of the claim of the applicant of seeking appointment on compassionate grounds, I find that the impugned orders

Dated 27.04.2001 (annexure- 4) and dated 01.05.2001  
(annexure- 5) are liable to be quashed having passed  
in contravention of principles of natural justice  
without issuing show cause notice to the applicant  
before passing of the order. The applicant was duly  
appointed on the post in question vide order dated  
18.03.1999 and appointment has been cancelled in such  
manner and the same is liable to be quashed.

6. The O.A is accordingly allowed. The impugned  
orders dt. 27.04.2001 and dated 01.05.2001 are quashed.  
The respondents are, however, given liberty to pass  
appropriate order after giving show cause notice to  
the applicant.

7. There will be no order as to costs.

*Ranjan*  
Member- J.

/Anand/