

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 29th day of August 2002.

Original Application no. 31 of 2001 (U).

Hon'ble Mr Justice RRK Trivedi, Vice-Chairman
Hon'ble Maj Gen KK Srivastava, Member (A)

Peetamber Dutt, S/o late Prem Ballabh,
R/o Vill and Post Patkot,
Distt. Nainital.

... Applicant

By Adv : Sri A Tripathi

VERSUS

1. Union of India through its Secretary,
Department of Post, Ministry of Communication,
Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Post Master General, Dehradun Circle,
Uttaranchal.
3. Post Master General, Dehradun Region, Dehradun.
4. Senior Supdt. of post Offices,
Nainital Division, Nainital.

... Respondents

By Adv : Sri R C Joshi

ORDER

Hon'ble Mr. Justice RRK Trivedi, VC.

By this OA, filed under section 19 of the A.T. Act,
1985, the applicant has challenged the order dated 26.6.2001
(Ann A1) by which his services as EDBPM, Patkot, Distt.
Nainital has been terminated.

2. The facts of the case are that the applications were invited for appointment as EDBPM, Patkot. The applicant

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applied alongwith others. The selection proceedings took place and applicant was selected for appointment. He was appointed vide appointment letter dated 14.8.2000 and he joined on 18.8.2000. By the impugned order dated 26.6.2001 his services have been terminated.

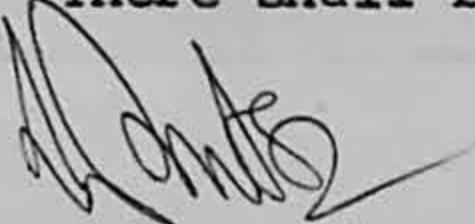
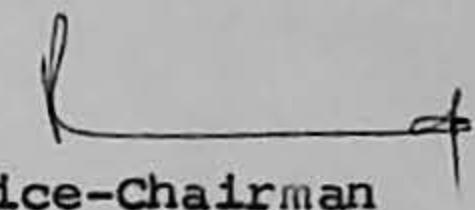
3. Counter affidavit has been filed in this OA, wherein it has been stated/that appointment of the applicant was reviewed by the reviewing authority and it was cancelled and the appointing authority was directed to issue show cause notice to the applicant before cancelling his appointment. The reviewing authority as mentioned in para 11 is CPMG, Uttranchal. Thus the impugned order has been passed on the basis of order of cancellation ^{already} passed by CPMG. Learned counsel for the applicant has challenged the order on the ground that superior authority has no power to review the order ^{of} held by Full Bench of this Tribunal in case of Tilak Dhari Yadav Vs. Union of India & Ors (1997) 36 ATC 539(FB). The Full Bench held that termination of services of EDA other than unsatisfactory services by appointing authority or superior to appointing authority is illegal and violative of principle of natural justice. In the present case it is not disputed that the order was passed by the CPMG without giving any opportunity of hearing to the applicant. In view of this the impugned order cannot be sustained which is consequence of an order passed in clear violation of principle of natural justice. The order is liable to be quashed on this ground.

4. For the reason stated above the OA is allowed. The impugned order dated 26.6.2001 (Ann A1) is quashed.

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The applicant shall be entitled to be reinstated on the post and for salary except back wages. It shall also be open to the respondents to pass the fresh order in accordance with law after giving opportunity to the applicant.

5. There shall be no order as to costs.


Member (A)
Vice-Chairman

/pc/