

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 22nd DAY OF FEBRUARY, 2001

Original Application No.189 of 2001

CORAM:

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

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

Anjani Kumar Chauhan, aged about
25 years, S/o Shri Bal Krishna Prasad
Chauhan, R/o Village & Post
Lilkar, Tehsil (Sikandarpur),
District Ballia.

... Applicant

(By Adv: Shri Rakesh Verma)

Versus

1. Union of India through the
Secretary, Ministry of
Communication, (Department of Posts)
New Delhi.
2. The Director Postal Services
Gorakhpur Region,
Gorakhpur.
3. The Superintendent of Post Offices
Ballia Division, Ballia.
4. Shri Amit Kumar, a/a (Not known)
S/o (not known), R/o (not known)
However notice may be effected
through Director Postal
Services, Gorakhpur Region
Gorakhpur.

... Respondents

(By Adv: Ms. Sadhna Srivastava)

O R D E R (Oral)

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

This OA has been filed challenging orders dated
31.1.2001 and 6.2.2001 by which appointment of the
applicant as Extra Departmental Branch Post
Master, Lilkar (Sikandarpur), district Ballia has been
terminated under Rule 6(a & b) of Post & telegraph Extra
Departmental Agents Conduct & Service Rules 1964. Learned
counsel for the applicant has submitted that in fact
provisions of Rule 6 has been used as a camouflage to

~~cancel~~^{cancel} the illegality^{of} cancelling the appointment of the applicant on a complaint made by respondent no.4. Learned counsel for the applicant has submitted that as the appointment has been cancelled on the alleged irregularity pointed out by respondent no.4 the respondents were under obligation to provide an opportunity^{of hearing} to the applicant before passing the order.


Ms.Sadhna Srivastava learned counsel for the respondents could not dispute this well settled legal position that before cancellation of appointment reasonable opportunity of hearing should have been provided to the person concerned. However, she submitted that the matter should be left to the department to pass a fresh order in accordance with law after hearing the applicant and the respondent no.4 Amit Kumar.

The OA is accordingly allowed. The impugned order dated 31.1.2001(Annexure 1) passed by the Director Postal Services, Gorakhpur Region,Gorakhpur communicated by the Assistant Director and the order dated 6.2.2001 passed by respondent no.3 are quashed. However, it shall be open to the respondents to pass a fresh order in accordance with law after hearing the applicant and respondent no.4.

There will be no order as to costs.

Office shall provide copy of the OA to Ms. Sadhna Srivastava alongwith copy of this order.


MEMBER(A)


VICE CHAIRMAN

Dated: 22.2.2001

/Uv/