

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 05th day of October, 2004.

Original Application No. 52 of 2004.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.
Hon'ble Mr. D.R. Tiwari, Member- A.

Suresh Yadav S/o Ram Kuber Yadav,
R/o Vill. and Post- Narve, Distt. Azamgarh.

.....Applicant

Counsel for the applicant :- Sri B.N. Singh

V E R S U S

1. Union of India through its Secretary,
M/o Communication (P&T), Sansad Marg,
Dak Bhawan, New Delhi.
2. The Senior Superintendent of Post-Offices,
Azamgarh Division, Azamgarh.
3. The sub Divisional Inspector,
Lalganj, Azamgarh.

.....Respondents

Counsel for the respondents :- Sri V.V. Mishra

O R D E R

By Hon'ble Mr. Justice S.R. Singh, VC.

Despite repeated opportunity CA has not been filed when and on the last date/the case was listed before the Bench on 26.08.2004, the respondents were given one last opportunity by way of indulgence to file CA within 2 weeks. Inspite of that no CA has been filed. Accordingly we proceed to dispose of the O.A on the basis of averments made therein.

2. The applicant was appointed as EDDA (GDSMD), Bardah in Distt. Azamgarh vide order dated 16.09.1999 a copy of which has been annexed as Annexure- 2. The appointment was made after following the prescribed procedure of inviting

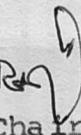
RSY

applications etc. It is alleged in the O.A that the appointment order issued in favour of the applicant has been cancelled and the services have been terminated vide impugned order dated 14.01.2004 at the behest of the SSPO, Azamgarh vide memo No. A-54/CC dated 13.01.2004. The allegation made in the O.A in this regard find support from the impugned order itself copy of which has been endorsed to SSPO, Azamgarh with reference to the said memo issued by the SSPO, Azamgarh. ^{in exercise of} The settled legal position is that the power vested to an authority ~~has been exercised~~ at the behest of superior authority is bad in law. The appointment was made by the Inspector, Post Offices and it was the Inspector, Post Offices who was vested with power to cancel the appointment order and terminate the services on a valid ground. The order impugned herein appears to have been passed without affording any opportunity of showing cause or without finding of any infirmity or illegality in the process of appointment of the applicant. Therefore, the impugned order cannot be sustained with the view we find support from Full Bench decision in Tilakdhari Yadav vs. U.O.I 1997 (26) ATC 539 (FB).

3. Accordingly the O.A succeeds and is allowed. The impugned order dated 14.01.2004 is quashed. The respondents are directed to reinstate the applicant forthwith and grant him all consequential benefits.

4. There will be no order as to costs.


Member-A.


Vice-Chairman.

/Anand/