

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/366/2015

HYDERABAD, this the 6th day of April, 2021

Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn.Member



H. Honnurappa, S/o. H. Chavadappa,
Aged about 56 years, Hindu,
Working as MTS Gooty LSG SO,
Anantapur District,
R/o. D.No.24/55, Ward No.7,
Kota Veedi, Gooty ó 515 401,
Anantapuram District.

...Applicant

(By Advocate : Sri T.P. Acharya)

Vs.

1. Union of India rep. by
The Director General, Department of Posts,
Dak Bhavan, Sansad Marg, New Delhi ó 110 011.
2. The Chief Postmaster General,
A.P. Circle, Abids, Hyderabad ó 500 001.
3. The Postmaster General,
Kurnool Region, Kurnool ó 518 002.
4. The Superintendent of Post Offices,
Anantapur Division, Anantapur ó 515 001.
5. The Post Master, Gooty LSG SO,
Gooty ó 515 401, Anantapuram District.

... Respondents

(By Advocate: Smt K. Rajitha, Sr. CGSC)

ORAL ORDER
(As per Hon'ble Mr. B.V. Sudhakar, Admn. Member)

Through Video Conferencing:



2. The O.A. is filed in regard to terminating the services of the applicant without notice and without assigning any reason.

3. The brief facts of the case are that the applicant was appointed as Grameena Dak Sevak in 1981. After serving for 32 years, he was promoted as MTS (Multi Tasking Staff) as per seniority w.e.f 13.8.2013. Termination order dated 5.3.2015 was served on 13.3.2015, terminating the services of the applicant and aggrieved over the same, the O.A. is filed.

4. The contentions of the applicant are that he has rendered 32 years of service in the respondent's organization. The applicant was not recruited directly as MTS but was promoted from the feeder cadre. The applicant is a regular employee in the MTS cadre. Therefore, the termination notice issued invoking Sub Rule (1) of Rule 5 of CCS (Temporary Service) Rules, 1965, is incorrect. The termination of service was done without any reason and, therefore, it is bad in law. The termination notice bears the heading as notice but the body of the notice states that the services of the applicant are terminated forthwith. However, the applicant was allowed to continue to work even after the issue of the notice. The applicant has taken a loan of Rs.2.5 lakhs after being granted the regular scale. In

case his services are terminated, it would affect his livelihood and he would not be able to re-pay the loan.



5. The respondents in their reply statement state that the applicant was selected as MTS on 25.7.2013 and joined the post on 2.9.2013 after completing the requisite training. During the training applicant was paid allowances as was paid prior to his promotion as MTS and hence training period is not counted as service rendered in MTS cadre. As per (MTS) Recruitment rules, 2010 the probation period in the MTS cadre is 2 years. The promotion was granted on seniority basis. //When the applicant was promoted, another senior Grameen Dak Sevak, by name Sri B. Santhamurthy, who was under put off duty in regard to a criminal case, approached the Tribunal in O.A. No.767/2014. The Tribunal allowed the O.A. and directed the respondents to grant promotion to Sri B. Santhamurthy, who is senior to the applicant. The Tribunal also directed the respondents to treat the period of put off duty of Sri B. Santhamurthy from 26.6.2012 to 31.12.2013 as 'on duty'. Based on the orders of the Tribunal, Sri B. Santhamurthy was promoted as MTS, after conducting a review DPC for the single post to be filled up by an SC candidate. Consequently, the services of the applicant had to be terminated.

The applicant on having been promoted as MTS has to complete two years service for declaring the probation. Till the probation is declared, he continues to be a temporary employee. The applicant joined on 2.9.2013 and by 5.3.2015 he did not complete the probation period. The CCS (Temporary Service) Rules 1965,

therefore, apply to the applicant. Hence, a notice was issued to him on 05.03.2015 in the prescribed format, wherein the heading was notice and the body part was the action initiated against the applicant. The notice was served on the applicant on 13.3.2015 by the Assistant Superintendent of Post Offices, terminating his services. The applicant, after being terminated from the post of MTS, joined as Grameena Dak Sevak on 14.3.2015.



6. Heard Sri T.P. Acharya, learned counsel for the applicant Smt. K. Rajitha, learned Senior Standing Counsel appearing for the respondents.

7. (I) The dispute is about termination of the services of the applicant from the post of Multi Tasking Staff after being appointed on 25.7.2013. We have gone into the details of the case and found that the applicant was appointed as Grameen Dak Sevak in 1981. Thereafter, he was promoted as MTS on seniority basis on 25.7.2013 by a duly constituted DPC. After completion of the training the applicant joined on 2.9.2013 and the training period is not counted for service as he was paid the allowance as was paid hitherto to his promotion as MTS. When the applicant was considered for the post of MTS, the respondents denied promotion to another colleague of the applicant namely Sri B. Santhamurthy, who also was working as Grameena Dak Sevak and was senior to the applicant. The reason for not granting promotion to Sri B. Santhamurthy was that he was involved in a criminal case and was under put off duty. On his acquittal in the criminal case, Sri B. Santhamurthy approached this



Tribunal in O.A. No.767/2013, which was allowed on 10.4.2015 directing the respondents to promote him as MTS and also to treat the put off duty from 26.6.2012 to 31.12.2013 as 'on duty'. Abiding by the directions of the Tribunal, the respondents conducted a review DPC on 24.11.2014 and promoted Sri B. Santhamurthy as MTS in the single SC vacancy available. Consequent to the promotion of Sri B. Santhamurthy, the services of the applicant had to be terminated from the post of MTS. The respondents have invoked the CCS (Temporary Service) Rules, 1965 to do so. The applicant was joined as MTS on 2.9.2013 and would be completing the probation of 2 years by 2.9.2015 as per the MTS recruitment rules of 2010. Till the probation is declared, the applicant would be treated as temporary employee. As the probation of the applicant was not declared the application of CCS (Temporary Service) Rules, 1965 to the applicant is appropriate. Rule (5) of CCS (Temporary Service) Rules invoked by the respondents is extracted hereunder:

õ(1)(a) The services of a temporary Government servant shall be liable to termination at any time by a notice in writing given either by the Government servant to the appointing authority or by the appointing authority to the Government servant;

(b) the period of such notice shall be one month

Provided that the services of any such Government servant may be terminated forthwith and on such termination, the Government servant shall be entitled to claim a sum equivalent to the amount of his pay plus allowances for the period of the notice at the same rates at which he was drawing them immediately before the termination of his services, or as the case may be, for the period by which such notice falls short of one month.õ



(II) The respondents have issued notice on 5.3.2015 for terminating the services of the applicant in writing as prescribed under CCS (Temporary Service) Rules. The CCS (Temporary Service) Rules do not prescribe any show cause notice to be issued to seek the reply and thereafter terminate the services of a temporary Government servant. Hence, the action of the respondents in issuing a notice in the prescribed proforma cannot be found fault with. It is true that the applicant has rendered 32 years of service. However, when a senior employee is eligible for promotion, he has to be necessarily promoted. The respondents have accordingly taken action. Moreover, as per Ministry of Home Affairs letter dated 22.6.1956, no reason need to be given while terminating the services of a temporary employee under CCS (Temporary Service) Rules. The respondents have taken care to see that the notice has been served by a responsible officer in the grade of Assistant Superintendent. The applicant on being terminated as MTS was permitted to rejoin his original post of GDS on 14.3.2015 which is a saving grace, and not in the post of MTS as claimed by the applicant. Hence the contention of the applicant that he was allowed to continue in the same post of MTS even after termination is far from the truth.

(III) Thus as could be seen from the above details, the respondents have acted as per the rules of regulations of their organization governing the issue in question.

In view of the aforesaid circumstances, we do not find any merit in the O.A. Therefore, we dismiss the O.A. No order as to costs.



/pv/

(B.V. SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER