

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

REGISTRATION NO.121 of 1986.

Harendra Nath Singh Applicant.

Versus

Sub Divisional Inspector of Post
Offices and others. Opp. parties.

(By Hon'ble D.S.Misra-Member)

In this application under section 19 of the Administrative Tribunals Act 13 of 1985, the applicant has challenged the order dated 26.2.1986 passed by the respondent no.1 terminating his services as Extra Departmental Delivery Agent.

The brief facts of the case are that the post of Extra Departmental Delivery Agent, Chhendih Ballia fell vacant due to the reversion of the former incumbent. The vacancy was notified through the Employment Exchange, who sponsored the names of four persons, giving details of their dates of birth and qualifications. The applicant was selected and appointed to this post vide order dated 28.12.1985. The applicant joined his duties on 1.1.1986. The applicant received the impugned order dated 26.2.1986 terminating his service on the ground that the superintendent of Post Offices, vide his order dated 21.1.1986, had held the appointment of the applicant as irregular. The applicant has challenged the impugned order on the ground that the termination order passed by the appointing authority on the direction of the Superintendent Post Offices was illegal and void.

In reply the respondents stated that on receipt of a complaint against the appointment of the applicant, reports were called for from the Sub Divisional Inspector Post Offices East Region Ballia by the Superintendent Post Offices, Ballia. On a scrutiny of the list of candidates, it was found that of the four

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candidates, Sri Chandreshwar Ram at Sl.No. 1 was the most suitable candidate ~~in qualifications~~ as he had passed the High School in IInd Division and he was more qualified in comparison to all others. It was also found that the rejection of the candidature of Sri Chandreshwar Ram and Sri Vijai Bahadur Ram on the ground of some complaints without its proper verification through police authorities was not correct. Considering the facts and circumstances of the case and in accordance with the government instruction on the subject the Sub Divisional Inspector Ballia was asked to cancel the appointment. It is also contended that under rule 16 of the Service rules for Extra Departmental Staff under the Post and Telegraph department, the Superintendent of Post Offices was fully competent to review the orders passed by the Sub Divisional Inspectors.

We have heard the arguments of the learned counsel for the parties. The short point for consideration is whether the order dated 21.2.1986 passed by the Superintendent of Post Offices, followed by the order dated 26.2.1986 passed by the Sub Divisional Inspectors terminating the services of the applicant was in accordance with rules. The terms and conditions of service of Extra Departmental Agent are ~~governed by Post and Telegraph Extra Departmental Agents (Conduct and Service) Rules, 1964.~~ ^{by} Rule 16 of the above mentioned rules, states that the services of an employee, who has not already rendered more than three years' continuous service from the date of his appointment, shall be liable to termination by the appointing authority at any time without notice. It is not the case of the applicant that he had worked for more than three years or that the order passed was in the nature of punishment. Rule 16 also stipulates that any order made under these rules may be reviewed by an authority immediately superior to the authority passing the orders after making such inquiry as it considers necessary. In this case on receipt of a complaint and after conducting the inquiry, the Superintendent of Post Offices, Ballia, who is admittedly a

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superior authority than the Sub Divisional Inspector, who had issued the order of appointment of the applicant, had passed the order dated 21.2.1986 holding the appointment of the applicant having been made in an irregular manner.

We are, therefore, of the opinion that facts and circumstances fully justify the decision taken by the Superintendent of Post Offices and the order passed by the Sub Divisional Inspector terminating the appointment of the applicant is a valid order and calls for no interference.

Accordingly we dismiss the application without any order as to costs.

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~~29/8/86~~

MEMBER(A)

Subarwa
29/8/86

MEMBER(J)

J.SINGH/29.8.1986.