

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

T.A. 1272/86

(O.S. No. 665/83)

Pramod Kumar Gupta

Plaintiff/Applicant.

versus

Union of India & ors.

Defendants/Respondents

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. A.B. Gorthi, Adm. Member.

(Hon. Mr. Justice, U.C. Srivastava, V.C.)

This is a Transferred Application under section 29 of the Administrative Tribunals Act, 1985 against the termination order dated 5.3.83. The applicant filed Civil Suit challenging the same. By operation of the law the Suit has come on transfer to this Tribunal. It appears that after due formalities including sponsoring of the name, the applicant was duly selected as Extra Departmental Stamp Vendor in Kashi Vishwanath Temple post office. He was appointed vide order dated 18.9.82. After a few months, abruptly he was faced with termination order referred above. From the written statement filed by the Respondents, it appears that one Shri Arun Kumar Chakravarti represented to the authorities. On his representation, ^{applicant's} services were terminated and Shri A.K. Chakravarti was appointed. From the written statement it has been disclosed that the applicant was appointed as he acquired more marks in the High School while A.K. Chakravarti also fulfilled the requisite qualification but he was not appointed. From the above it is clear that both participated in selection and at that time the applicant was preferred over A.K.

Chakravarti

Chakravarti. It was not disclosed as to what was the qualification of the Shri A.K. Chakravarti, whether he had passed High School or not. Even if in the earlier selection Shri A.K. Chakravarti was preferred ^{over} ~~over~~ the applicant and a mistake was committed by the Departmental Authorities in preferring the applicant and appointing him, his services could not have been terminated in this manner. In case the applicant having started working on the post, certain rights accrued in his favour he could not have been deprived of his right and in favour of other applicant who had earlier participated in the interview who could not get through in preference to him. The only course in these circumstances, would have been to consider the case of the applicant and others also. May it be, the applicant would have said that Shri A.K. Chakravarti did not fulfil the requisite qualification or that ~~preferential qualification or~~ that he was preferred and now the matter which has been settled, could not be re-settled, he was denied of the said opportunity. In these circumstances, the order which has been so passed, violates the principles of natural justice and cannot sustain. The termination order dated 5.3.83 is quashed. However, it is being made clear that the applicant will be given the charge, and the authorities may proceed in accordance with law in making the appointment and in case the applicant is selected or not selected, he will not get salary from the date he was terminated upto 14.5.91, salary will accrue only w.e.f. 15.5.91.

Shakeel/

mansoor
A.M.

U
V.C.

Allahabad: Dated: 14.5.91.