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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

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Registration T.A. No.1260 of 1987
(W.P. No. 4082 of 1983)

Ram Siroman Singh Petitioner/
Applicant.

Versus

Superintendent of Post offices,
Mirzapur and others Respondents.

Hon. Mr. D.K. Agrawal, Member(J)
Hon'ble Mr. K. Obayya, Member(A)

(By Hon'ble Mr. D.K. Agrawal, Member(J))

Writ Petition No. 4083 of 1983 instituted in the High Court of Judicature at Allahabad on transfer to the Tribunal under Sec. 29 of the Administrative Tribunals Act, 1985 was registered as T.A. No. 1260 of 1987 as indicated above.

2. The prayer of the applicant is for issuance of a writ of certiorari quashing the orders dated 25.2.1983 and 2.3.1983 passed by the respondent no.2 i.e. Director Postal Services, Allahabad and respondent no.1 i.e. Superintendent Post Offices Mirzapur Division, Mirzapur and a mandamus ~~be issued~~ directing the Government Respondents to ^{make} ~~join~~ ^{the} ~~petitioner~~ ^{as} Branch Post Master, Post Office Khuluwa at Village Khuluwa in District Mirzapur.

3. The facts of the case are that the Post of Extra Departmental Branch Post Master Khuluwa fell vacant w.e.f. 16.8.1982 on account of promotion of Sri Ram Lal Singh, 'EDBPM' Khuluwa. The vacancy was advertised. 3 candidates including the petitioner namely Sri Ram Siroman Singh (petitioner) was selected and an appointment letter dated 23.11.1982 was issued. However, before the letter of appointment could be served on the petitioner, ^{the} ~~the~~ ^{complaint} was made and Director Postal Services, Allahabad ^{who} ~~who~~ cancelled the order of appointment of

D.K. Agrawal

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Sri Ram Siroman Singh vide order dated 25.2.1982 and directed that Sri Balwant Singh (respondent no.5) be appointed as 'EDBPM' Khuluwa. The order of Director Postal Services dated 25.2.1983 was given effect to on 2.3.1983. The registered letter No. 4576 dated 24.11.1982 containing the appointment order dated 23.11.1982 which remained undelivered was delivered^{back} to the Superintendent Post Offices on 6.1.1983. It may also be stated ^{at} ~~on~~ this very stage that the petitioner namely Sri Ram Siroman Singh while working as 'EDBPM', Khuluwa was found guilty of gross mis-conduct. When questioned by the Inspector Post Offices, Mirzapur, the petitioner submitted his resignation to escape the consequences and absconded after handing over charge. At that time, Mirzapur Division was under the Direct Administrative Control of Senior Superintendent Post Offices, Allahabad. Disciplinary action could not be taken against the petitioner as he was not traceable.

4. The petitioner has alleged in the petition that the registered letter dated 24.11.1982 containing the letter of appointment dated 23.11.1982 was withheld by the Postal Authorities in collusion with respondent no.5. It has been further alleged that respondent no.5 was close to respondent no.2 namely Azhar Imam, Member of U.P. Legislative Assembly; That brother of Azhar Imam namely Aziz Imam was a Member of Parliament; That respondent no.5 was close to them; That respondent no.5 exerted political influence in the High Postal Authorities and secured the appointment order in his favour.

5. We have heard the learned counsel of the parties and perused the record. We have also perused the file of the department. We are of the opinion that it is not material

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for ^{the} decision of this case to consider the allegations about the political influence ^{alleged to have been} ~~exercised~~ exerted on the higher postal authorities or the close relationship of respondent no.5 i.e. Sri Balwant Singh with Sri Azhar Imam or Aziz Imam. They may be close or may not be close to each other. We are concerned only with the legal right which accrued to the petitioner and infringement thereof. It is ^{an} admitted fact that the letter of appointment was not communicated to the petitioner nor the petitioner had taken charge of the post of Extra Departmental Branch Post Master. If so, there was no question of violation of principles of natural justice. The petitioner was not entitled to get an opportunity of hearing or representation. The only question is as to whether the competent authority was justified in revising the proceedings of selection on the basis of the representation of the respondent no. 5. In the back ground of the fact that the petitioner was found guilty of mis-conduct during his posting as 'EDBPM' in or about the year 1972, ~~in~~ our opinion, the action of the competent authority is fully justified in revising the selection proceedings and cancelling the order of appointment of the petitioner. The petitioner on account of his past conduct was not entitled to be selected or appointed. Thus, we do not find any fault with the decision of the competent authority in cancelling the order of appointment of the petitioner.

6. In regard to the allegation of the petitioner that the registered letter dated 24.11.1982 was detained in collusion with respondent no. 5. It may be so. However, it is for the competent authority to initiate the enquiry if it so considered appropriate. We do not consider necessary to dilate upon this controversy. To our mind, the said controversy is not relevant for the decision of the present

Dr. A. S. Murthy

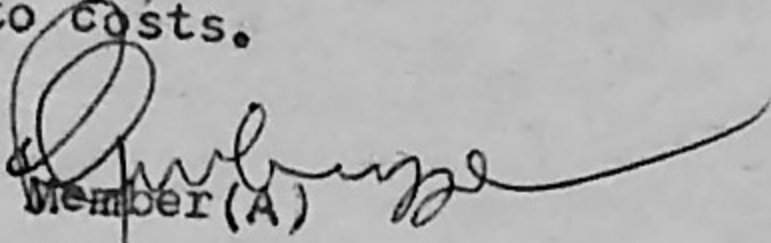
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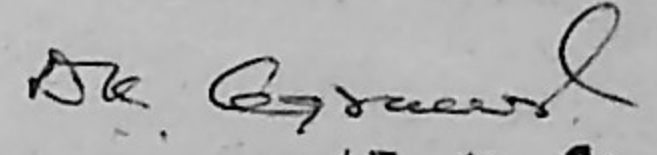
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case.

7. In view of the above facts and circumstances, we are of the view that this petition is liable to be dismissed and we accordingly dismissed this petition without any order as to costs.


Member (A)

Dated: 17.12.1991
(n.u.)


17.12.91
Member (J)