

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL- ALLAHABAD BENCH,  
ALLAHABAD.

T.A. No. 1448 of 1987.

D.R. Kureel..... Petitioner  
Versus  
Union of India & others..... Respondents..

Hon'ble Mr. A.B.Gorthi - A.M.  
Hon'ble Mr. S.N. Prasad- D.M.

( By Hon'ble Mr. A.B.Gorthi-A.M.)

Aggrieved by an order of termination of service  
issued by Superintendent of Post offices Kahanjari Division  
Kanpur dated 8.12.83, the applicant ~~Shri~~ Daya Ram approached  
the High Court Allahabad with Writ Petition no. 14996 of 1984  
and by ~~an~~ operation of law it has been transferred to this  
Tribunal, ~~which~~ is listed before us. 8

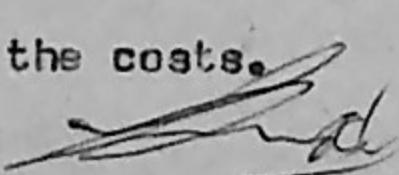
2 The petitioner was appointed as Extra Departmental  
Branch Post Master Kahanjari Post office vide appointment  
order dated 10.9.1982. The said appointment order states  
that his appointment was provisional and was liable to be  
terminated when regular appointment is made. The applicant  
worked in the ~~said~~ post till 15.12.1983, but his services  
stood terminated under Rule 6 of the Extra Departmental  
Agents (Conduct and Service) Rules 1964, in accordance with  
the termination order dated 8.12.1983 which is the impugned  
order.

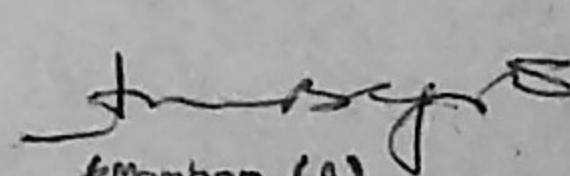
3 The respondents resisted the claim of the  
petitioner by stating that Income certificate which the  
petitioner had produced at the time of seeking appointment  
pertained to the income of the petitioner's father and

accordingly the petitioner should not have been appointed at all. However when the discrepancy was detected, <sup>it</sup> which was decided to terminated his service under Rule 6 of the Extra Departmental (Conduct & Service) Rules, since the petitioner had not completed three year's service.

4 The learned counsel for the petitioner has stated that the income Certificate, which is at Annexure 2 of the Counter affidavit, <sup>was worded</sup> wordings rather ambiguously and that it should be read as indicating the income of the petitioner only and not of his father. In any case what is clear is that this dispute was resolved ~~either~~ from behind the back of the petitioner. It is violative of <sup>of</sup> by the principle of Natural Justice. There is nothing on record to show that the petitioner did not have independant source of income of his own. If the respondents had desired to examine this aspect to satisfy themselves, they should have held an inquiry in the matter associating the petitioner therewith.

5 The respondents are accordingly directed to hold a fresh inquiry into the matter giving an opportunity to the petitioner to prove if he has independant income of his own. If the inquiry establishes that the petitioner <sup>has</sup> ~~is~~ <sup>incom</sup> independant of his own, he shall once again be appointed as Extra Departmental Post Master in any existing vacancy, <sup>or</sup> which occur immediately thereafter. The petition is disposed of in the above terms without any order as to the costs.

  
Member (J)

  
(Member (A))

Dt: Jan. 14, 1992.

(DPS)