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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- J.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 Sri 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, ^{and} ~~which~~ is listed before us. 1

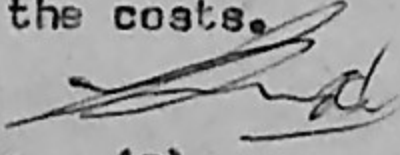
2 The petitioner was appointed as Extra Departmental Branch Post Master Kahanjari Post office vide appointment order dated 10.9.1982. The said appointment order states that his appointment was provisional and was liable to be terminated when regular appointment is made. The applicant worked in the said 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.

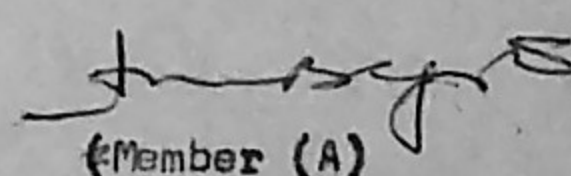
3 The respondents resisted the claim of the petitioner by stating that Income certificate which the petitioner had produced at the time of seeking appointment pertained to the income of the petitioner's father and

accordingly the petitioner should not have been appointed at all. However when the discrepancy was detected, ^{it} ~~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, ^{was worded} ~~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 ~~by~~ the principle of Natural Justice. There is nothing on record to show that the petitioner did not have independent 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 independent income of his own. If the inquiry establishes that the petitioner ^{has} ~~is~~ independent ^{income} of his own, he shall once again be appointed as Extra Departmental ^{Post} Master in any existing vacancy, ^{or} 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)