

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

T.A.No.1476. of 1987

Indra Bhushan ShuklaApplicant.

Versus

Union of India & two others Respondents.

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

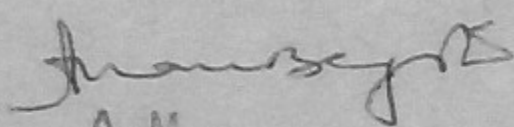
Hon'ble Mr. A.B. Gorthi, A.M.

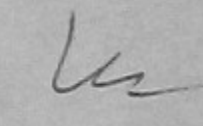
(By Hon'ble Mr. Justice U.C. Srivastava, VC)

The applicant was appointed as Extra Departmental Branch Post Master on 29.5.1982 and his services were terminated on 24.11.1984. The grievance of the applicant is that because there was certain charges against him in respect of non-delivery of money-order for which he was enquired and a complaint of this nature was made by his subordinate who was on inimical terms with him and his services were terminated.

2. The respondents have filed written statement in which it has been stated that on 27.9.1984, the Drawing Officer i.e. the Post Master, Allahabad sent the Acquittance Roll of Rs.61-70P being the bonus of 1983-84 payable to Ram Krishna- Extra Delivery Agent and the applicant, instead of disbursement of the said amount, took payment himself without obtaining the signature of the payee i.e. Ram Kishan on the Acquittance Roll and charged the said amount into the account of the said Branch Office on 27.9.84. The said Ram Kishan made a complaint in respect of the same and enquiries were conducted and written statements of all the members of Staff of Bendon were obtained. In the written statement, submitted by the petitioner, it is stated that he obtained the signature of the payee on the

register. As a matter of fact, the petitioner has
depended Shri Ram Kishan and thus committed mis-conduct.
After careful investigation into the matter, the
appointing authority terminated the services of the
applicant. Thus, what was missing in the applicant's
application, the same has been fulfilled by the
respondents themselves in the written statement.
The applicant denied the allegations. Obviously,
he was to be given an opportunity. In case, his
services were going to be terminated on the ground
of alleged mis-conduct as no enquiry, whatsoever,
was held and the applicant was not given an
opportunity, the order cannot be said to be genuine
and the same is against the principle of natural
justice. Accordingly, the termination order
dated 24.11.1984 is quashed. However, it will
remain open for the respondents to hold a fresh
enquiry after giving an opportunity to the applicant.
Accordingly, the application is disposed off
with the above observations. No order as to costs.


A.M.


V.C.

Dated: January 22, 1992

(ug)