

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

T.A.No.1476. of 1987

Indra Bhushan Shukla .....Applicant.

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 Bendor 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 deped 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 cost.

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A.M.

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V.C.

Dated: January 22, 1992

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