

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

....

Registration T.A. No. 2015 of 1987

(O.S. NO. 145 of 1985)

Nav Ratan ... Plaintiff-Applicant

versus

Union of India and ors..... Defendants-Respondents

Hon' D.K. Agrawal, J.M.

Hon' Ms Usha Savara, A.M.

(By Hon' D.K. Agrawal, J.M.)

Original Suit No. 145 of 1985 filed in the Court of
Munsif Hawali, Aligarh, received on transfer under
section 29 of the Administrative Tribunals' Act,
1985^{W23}, registered as T.A. No. 2015 of 1987 as indicated
above.

2. The grievance of the plaintiff-applicant is that
his services have been terminated vide an order dated
8-4-1985. The said termination order has been challenged
in the suit.

3. The facts are that the applicant was appointed
(without any selection) to the post of Branch Post Master
vide an order dated 14-2-1985. The plaintiff-applicant
joined the post on 21-3-85. His services were terminated
under rule 6 of Posts and Telegraphs E.D. (Conduct and
Service) Rules, 1964.

4. The plaintiff-applicant's contention is that
although he was convicted under section 323/147/ 149 I.P.C.
~~XX~~ and
sentenced to pay a fine of Rs. 50/- and in default to
undergo R.I. for a period of 8 days, but, ^{he was} acquitted

D.K.A.

in Criminal revision No. 269 of 1980 from the Court of Vth Additional Sessions Judge, Aligarh, vide order dated 27-1-1981. Therefore, the termination order, it is alleged, was passed under some mis-apprehension. Whether or not, the order was passed on the ground as alleged by the applicant, it remains a fact that the competent authority has absolute discretion under Rule 6 of Posts and Telegraphs E.D. (Conduct and Service) Rules, 1964. Therefore, we do not find that the order of termination was invalid in law. Consequently, the suit is liable to be dismissed.

5. Before we part, it may be mentioned that since the plaintiff-applicant has continued to work as Branch Post Master under orders of the Court, since the year 1985, it is in the fitness of things that he is considered, as and when regular selection is made for the post of Branch Post Master, whether or not his name is sponsored by the Employment Exchange. The rules also require that a person who has served as Branch Post Master for certain period shall be sympathetically considered.

6. In this view of the matter, we are of the opinion that the suit is liable to be dismissed on merit. Accordingly, the suit is dismissed without any order as to costs.

[Signature]
MEMBER (A)

[Signature]
18.12.90.
MEMBER (J)

(sns)
December 18, 1990.
Allahabad.