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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH, ALLAHABAD  
O.A.No.267 of 1987

Pyare Lal ..... Applicant.

Versus

Superintendent Posts, Etah & others .... Respondents.

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

Hon'ble Mr. K. Obayya, A.M.

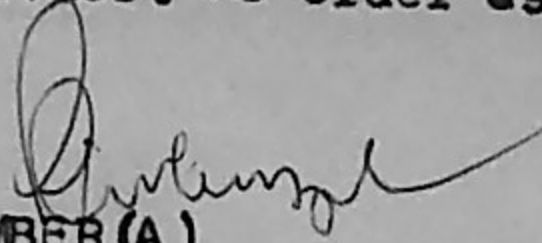
(By Hon'ble Mr. Justice U.C. Srivastava, V.C.)

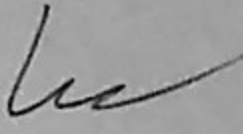
The applicant was appointed as an Extra Departmental Packer by the Inspector of Post Offices. He assumed charge on 14.6.83 and after two years, his services were terminated by the Inspector of Post Offices w.e.f. 23.7.85. The applicant submitted a representation against the same and thereafter he approached the tribunal challenging the said order on the ground that he having been appointed by the authority concerned, his services could not have been terminated under Rule 6 of the P & T, E.D Agents Conduct & Service Rules.

2. The respondents in their reply have stated that as the applicant misrepresented that he is resident of Mohalla Dad wara, Amapur and as a matter of fact he is resident of village Ngla Semra and it is how he managed to get the appointment and that is why his appointment was cancelled. According to the applicant, his appointment was made as E.D. Packer and not E.D.B.P.M and if there was any doubt regarding residence-address or if the appointment was to be cancelled on this ground, he could not have been appointed to work for a period of two years and without giving an opportunity of hearing, his services could not have been terminated. The contention appears to be correct. As the principle of natural ju



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-ce enjoins a duty upon the respondents to give an opportunity of hearing to the applicant, accordingly the application deserves to be allowed and it is allowed and the order dated 19.7.85 is quashed. However, it is open for the respondents to hold an enquiry and the enquiry be concluded within a period of three months from the date of communication of this order. In case, after enquiry, the applicant is reinstated, she shall not be paid back wages. However, he will be deemed to be continuing in service. No order as to costs.

  
MEMBER (A)

  
VICE CHAIRMAN.

DATED: NOVEMBER 6, 1992.

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