

(Pa3)

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

Registration O.A.No. 561 of 1987

G.S.Singh

....

Applicant

Vs.

Union of India & Others...

Respondents

Hon'ble Mr.Justice U.C.Srivastava, V.C.
Hon'ble Mr. A.B. Gorthi, Member (A)

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

The applicant who was appointed as Extra Departmental Packer vide order dated 22.8.85 has approached the Tribunal against the termination order dated 31.10.86 which was passed on the ground that another candidate Punwasi Ram secured more marks than the applicant in the High School examination in as much as the applicant secured 200 marks out of 500 marks and the other candidate secured 220 marks out of 500 marks. Thus according to the respondents earlier this consideration was not taken into consideration but later on because of this particular consideration and in order to rectify their mistake they passed the termination order. In place of these Packers the post fill vacant and the appointments were made in accordance with rules. The applicant was selected and given the appointment. It may be that some complaint were made and thereafter on this ground the appointment was cancelled. This was not a ground which was covered under Rule Section 6 of the Extra Departmental Branch Postmaster rules and yet his services were terminated. In this connection reference has been made to the letter issued by the Director of Postal Services, Allahabad Region which was issued subsequent to the appointment of the applicant. In which it was provided that a candidate fulfilling minimum conditions and eligibility for appointment should be decided on the basis of marks obtained by him in the High School examination will be placed as EDSPM/EDBPM & EDDA and class VIII th will be placed as EDP. The said letter

(b3)
2

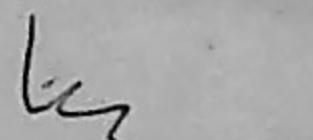
(7)

-2-

obviously was not applicable in the case of the applicant as the applicant was appointed earlier. Reference has also been made to the communication dated 10.5.91 issued by the Postmaster General where also some such observation was made. The said letter was issued much after the appointment of the applicant and it was issued during the pendency of the application. The respondents without any reasonable and legal ground terminated the appointment of the applicant and as such the termination could not be sustained. Accordingly this application is allowed and the termination order dated 31.10.86 is quashed and the applicant shall be deemed to be continuing in service. Though he may not get the salary for the said period as he has not worked during this period, but the respondents shall pay him the salary for a period of 1 year. No order as to costs.



Member (A)



Vice-Chairman.

24th January, 1992, Allahabad.

(sph)