

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

O.A. No.
P.A. No.

545 1987

DATE OF DECISION _____

G.C. Chawasia Petitioner

G.D. Mukherjee Advocate for the Petitioner(s)
Versus

O.O.I. & others Respondent

K.C. Sinha Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr.

S. Zakeb Hasan, V.C.

The Hon'ble Mr.

Ajay John, A.M.

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?

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3/10/11

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(S)

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration O.A. No. 845 of 1987

Girish Chandra Chaurasia Applicant

Versus

Union of India & Others Respondents

Hon.S.Zaheer Hasan, V.C.
Hon. Ajay Johri, A.M.

(By Hon.S.Zaheer Hasan, V.C.)

This is an application under Section 19
of the Administrative Tribunals Act XIII of 1985.

2. The applicant G.C. Chaurasia has filed this application for quashing the orders dated 31.8.1987 and 1.9.1987. His case is that he was appointed as Extra Departmental Sub Postmaster, Rason by the Superintendent of Post Offices, Hardoi Division, Hardoi on 1.4.1982 vide Annexure-I. Subsequently this post was redesignated as Extra Departmental Branch Post Master. Without any notice and contrary to rules and law the applicant's services were terminated on 31.8.1987. On 1.9.1987 it was ordered that in compliance with the order of the Superintendent of Post Offices dated 31.8.1987 the charge from the applicant be taken and handed over to one Shiv Nath Singh. So it is prayed that both the orders dated 31.8.1987 and 1.9.1987 be quashed.

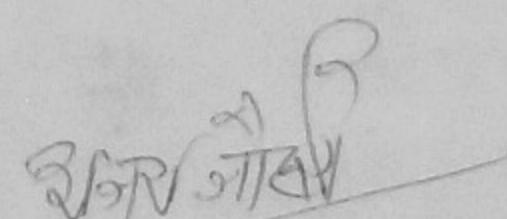
3. The defence is that one Shiv Nath Singh who was an incumbent of this post was put off duty and for

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the time being Moti Lal Chaurasia Extra Departmental EDDA ^{of} ^{the} another Postmaster was asked to look after that charge. Subsequently in July, 1982 an advertisement was made ~~to appoint~~ ^{ment} ~~some one~~ in place of Shiv Nath Singh who was put off duty. The applicant was appointed as a stop gap measure when Shiv Nath Singh was put off duty with specific conditions that his services would be terminated at any time if the previous incumbent is reinstated. Shiv Nath Singh was exonerated vide memo dated 11/24.8.1987 and he was reinstated vide memo dated 31.8.1987 terminating the provisional arrangements made in favour of the applicant on 1.4.1982. In compliance with the order of termination dated ^{of Superintendent Post Offices} 31.8.1987 ^{the} Asstt. Superintendent of Post Offices ordered that the charge should be handed over to Shiv Nath Singh the original incumbent who was exonerated.

4. It was contended that no notice was given nor any departmental proceeding ~~be~~ drawn against the applicant, ^{so} the impugned order of dismissal is illegal. In para 1 of the order it is specifically mentioned that the applicant's appointment was provisional. In para 2 it is stated that it was in the nature of a contract liable to be terminated by giving notice. In para 3 it is specifically mentioned that the applicant should understand that his services could be terminated at any time if ^{the} ₃

previous incumbent was reinstated. Paras 2 & 3 should be read together and para 2 should not be read in isolation. Before reinstatement of ~~Shiv Nath Singh any of the authorities to this order~~ ^{Paras} could give a notice as mentioned in para 2 of the appointment letter. But in case the original incumbent is reinstated the Department could terminate the service without any notice. There was no question of starting departmental enquiry and punishing the applicant or passing an order of termination after giving notice. It was clearly mentioned in para 3 that he had to vacate the post in case the original incumbent ~~was~~ reinstated. Shiv Nath Singh was put off duty and when he was reinstated the applicant was asked to go and the order of termination does not suffer from any legal infirmity. So to our mind neither justice nor law has suffered. The petition is dismissed with costs on parties.


Member (A)


Vice Chairman

Dated the 19 Jan., 1988

RKM