

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD.

(8)

D.A. No. 874/87

R.B. Pandey :::::: Applicant.

vs.

Union of India & :::::: Respondents.

Others. ::::::

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

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

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

The applicant was appointed as Extra Departmental Branch Post Master, Rampur, Tehsil and District Banda, vide order dated 10th/11th February, 1987. According to the applicant he had a right to engage a substitute as he was new to the job and no training was given to him, and as such used to take help of one Shri Balbhadra Singh, an Ex-Branch Post Master. On 9-6-87 a visit was made by Vigilance Officer who raised certain objections in functioning of the applicant. Another inspection was made by Sub-Divisional Inspector on 19-6-1987 and found the applicant working on his post, the Post office was being run from his house, and no irregularity was found. Thereafter a charge sheet was issued to the applicant and he submitted his explanation. Even thereafter he was given the punishment of removal from service which is the subject matter of this petition.

2. The facts stated by the applicant has been controverted by the respondents. It has been stated that the services of the applicant could have been terminated without assigning any reasons. The applicant was required to provide a suitable substitute on his own responsibility and security in case leave is granted to him and to manage a suitable accommodation for the post office without rent. He was also required to reside at post office during night.

After taking over the charge, the applicant was not performing his duties, but the work was being done by Shri Balbhadra Singh, a retired Branch Post Master. The applicant was warned by letter dated 22-7-87 with a direction that he should keep the Post office in his own house and prepare the records of the post office in his own hand writing without taking any assistance from any agent. On 27th July, 1987, the copy of visit remarks dated 14th July, 1987 was received ^{letter of} vide Post Master General, U.P.Circle, Lucknow, dated 24th July, 1987 in which the details of irregular working of the applicant was pointed out and since the petitioner was breaching the conditions of the appointment and his work was not satisfactory, his services were terminated under Rule 6 of Extra Departmental Agents (Conduct & Service) Rules, 1964 vide memo dated 14th August, 1987. It has been further stated that even the records were prepared in hand-writing of Shri Balbhadra Singh instead of the hand-writing of the applicant. At the time of visit of the Post Office by the Mail-Overseer on 18th March, 1987, the applicant was not found working. During the visit of the Vigilance Officer also the applicant was not found working and Shri Balbhadra Singh was found working as Branch Post Master. As a matter of fact the Sub-Divisional Inspector of Post Office, Banda(North) was directed to complete all the formalities before handing over the charge to the petitioner and as such the grievance of the applicant, that training was not given to him, is not correct.

3. When the Vigilance Officer visited the Post Office, the applicant was not found performing the duties and instead of him Shri Balbhadra Singh was found performing the duties. As the applicant was not performing his duties and the duties were generally performed by the said Shri Balbhadra Singh, which was detected more than once and

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the applicant having been warned in this behalf, the respondents are right in terminating the services of the applicant under Rule 6 of Extra Departmental Agents (Conduct & Service) Rules, 1964. Under these circumstances the respondents are right in terminating the services of the applicant. As no one has appeared on behalf of the applicant, despite the issuance of notice to him that his Counsel has been elevated, the case is disposed of after hearing the Counsel for the respondents and going through the records. No order as to the costs.

R. Bhagat
Member (A)

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Vice-Chairman.

Dated: 11th February, 1993, Allahabad.

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