

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH (6)

Allahabad this the 2nd December 1994.

Original Application no. 13 of 1988.

Hon'ble Mr. Justice B.C. Saksena, Vice-Chairman
Hon'ble Mr. S. Das Gupta, Administrative Member

Hari Narain Singh, S/o Shri Radhey Shyam, R/o Village
Baghaipur, Post Baghaipur, Distt. Etawah. Branch Post
Master P/o Baghaipur, Etawah.

..... Applicant

C/A Shri R.N. Updhayaya

Versus

1. Union of India through the Secretary to the
Government of India Ministry Postal Department,
New Delhi.
2. Additional Post Master General, U.P. Bari Mandai,
Kanpur.
3. Nideshak Dak Seva, Kanpur.
4. Superintendent of Post Office Etawah, Division
Etawah.

..... Respondents

C/R Shri N.B. Singh

ORDER

Hon'ble Mr. Justice B.C. Saksena, V.C. (Oral).

Since it is an old case though the learned
counsel for the applicant did not appear in the case when
the case was called we have proceeded to hear Shri
N.B. Singh counsel for the respondents who was present
and have gone through the pleadings of the parties.

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2. The applicant has filed this O.A. to challenge an order dated 07.04.87 by which his services were terminated under rule 6 of EDA conduct and service rule 1964 with immediate effect. The applicant preferred an appeal against the said order which was also rejected by order dated 09.02.87 by the Director of Postal Services Kanpur. The grounds of challenging the order of termination is that there has been violation of principles of natural justice and the order was not of termination simplicitor but amounts to an order of punishment. In the counter affidavit it has been indicated that the applicant had not completed three years of service and on the basis of over all assesment of this performance the order was passed ^{Under} provision of rule 6 of the rules. The order of termination is not stigmatic and it is ⁱⁿ accord with the provisions of the rule 6 as they were then extant.

3. The appillate authority in its order has indicated certain reasons which were given by the Superintendent of Post Offices to justify his remark that the work of the applicant was unsatisfactory. On the basis of the circumstances indicated in the appillate order the applicant has taken the plea that the order of termination is not a simplicitor order. This plea is not tenable.

4. ~~Since~~ ^{As} noted above by us, no stigma has been indicated in the order of termination of services. Since in the memo of appeal the applicant himself has referred

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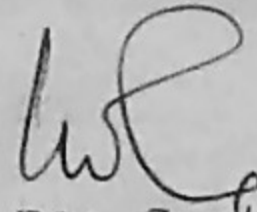
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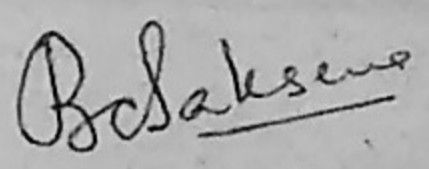
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to the said circumstances the appellate authority has dealt with them.

5. In view of the above discussion this application merits rejection and is accordingly disposed of.

6. There shall be no order as to costs.


(S. Das Gupta)
Member-A


(B.C. Saxena)
Vice-Chairman

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