

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

....

Registration T.A.No. 84 of 1988

Bhim Singh

....

Applicant

Versus

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 was appointed as Extra Departmental Delivery Agent on 1.3.1980 after undergoing the suitability test. On the death of Extra Departmental Branch Post Master on 1.7.1981 the vacancy was notified and the applicant also applied for the same. The applicant having been found fit in all respects, he was provisionally appointed vide order dated 25.9.81 on the said post. The applicant was asked to resign from the post of Extra Departmental Delivery Agent as he was appointed on the post of Extra Departmental Branch Post Master and the applicant in pursuance of the direction submitted his resignation which was accepted. Subsequently vide order dated 24.7.1982 the applicant's services were terminated and in his place the son of previous incumbent was appointed. According to the applicant the son of incumbent could not have been appointed as the family was a flourishing family and the other three sons are well settled and earning well and as such there ~~was~~ ^{was} no occasion to appoint the 4th son, whose application earlier was rejected and in this manner he was again brought by a back door means. Thus according to the applicant in order to accommodate him in this back door means after rejecting his application by superior authority vide impugned order his services were terminated. Though prior to it ~~the~~ ^{the} L

the Sub-Divisional Inspector, Post Offices, West Gorakhpur asked to furnish his educational qualification.

2. Now the facts which ^{are} indicated above that without any charge and without ^{imposing} ~~plighting~~ of the applicant ^{of his} any short-comings/and taking his ^{new} designation from the lower post^s, the applicant's services were terminated undoubtedly, under the rules, "Services of such a person can be terminated without any notice". But the ^{are such} facts in this case ^{is} that, it was not a case in which the services could have been terminated in violation of principles of natural justice. Accordingly although this application is allowed, but the respondents are directed to reconsider and disposed of this petition filed by the applicant within a period of one month from the date of communication of this order and they are also directed that in the meantime they may restore the applicant on the said post i.e. Extra Departmental Delivery Agent on which he was made to resign because he was appointed on a higher post provisionally. With these observations the application is disposed of finally. No order as to costs.

transcript
Member (A)

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Vice-Chairman.

25th October, 1991, Alld.

(sph)

ORDER SHEET

T.A.No.84/88

25.10.91

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

Heard the learned counsel for both
the parties.

Judgment dictated separately.


A.M.


V.C.

(sph)