

Reserve

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
A L L A H A B A D

O.A. / T.N. No. 1771 of 1992

DATE OF DECISION 18-10-95

Karam Singh ----- PETITIONER(S)

Shri R. Dobhal ----- ADVOCATE FOR THE PETITIONER(S)

VERSUS

U.O. 2005 ----- RESPONDENTS


Shri S.C. Tripathi ----- ADVOCATE FOR THE RESPONDENT(S)

C O R A M :-

The Hon'ble Mr. T.L. Verma Member (J)

The Hon'ble Mr. S. Dayal Member (A)

1. Whether Reporters of local papers may be allowed to see the judgement ? Yes
2. To be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the fair copy of the Judgement ? Yes
4. Whether to be circulated to all other Bench ? No


(SIGNATURE)

VKE/-

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 18th day of October 1995

Original Application no. 1771 of 1992.

Hon'ble Mr. ~~Mr.~~ T.L. Verma, Judicial Member

Hon'ble Mr. S. Dayal, Administrative Member.

Karam Singh S/o Sri Himmat Hingh, R/o Village: Khaukli
Patti, Bhanter, Teh: Dedihat, District: Pithoragarh.

... Applicant.

C/A Sri R. Dobhal.

Versus

1. Union of India.
2. Superintendent of Post Office, Pithoragarh,
Division, District: Pithoragarh.

... Respondents.

C/R Sri S.C. Tripathi.

ORDER

Hon'ble Mr. S. Dayal, Member-A.

This is an application under Section 19 of
the Administrative Tribunal Act, 1985

The applicant seeks the following reliefs through this application:

- (i) Setting aside of order of respondents no. A-68-PF/Bhantar, District Pithoragarh dated 11.3.92
- (ii) Issuance of direction to the respondents to treat the applicant in service and pay his salary.

The facts as contained in the application are that the applicant was appointed as EDBPM, Bhantar (Thal) on 24-7-91. He was sent for training of four days from 3-9-91 to 6-9-91. He was directed on 6-9-91 after completion of his training to join his duty as EDBPM, Bhantar (Thal) which he did and continued to work without any complaint about his work or conduct. He was issued a notice on 14-2-92 by Superintendent, Post offices, Pithoragarh, that his appointment was illegal because he was not a resident of village Bhantar where the post office was situated and was asked to show cause why his appointment should not be cancelled. The applicant replied on 26-2-92 that village Bhantar was situated within the boundary of Gram Sabha, Dhankli (Melhi) and the applicant was a resident of Gram Sabha Dhankli. The Superintendent, Post offices, Pithoragarh passed an order terminating the applicant's service on 11-3-92 on the ground that the appointment of the applicant was against departmental rules. His representation against termination was rejected on 20-4-92 on the same grounds.

The arguments of Shri R. Dobhal, learned counsel for the applicant, and Shri S. C. Tripathi, learned counsel for the respondents have been heard. They highlighted the grounds which are already on record of this case.

The grounds on which the applicant has challenged his order of termination is that Bhantar is not a village but a Tok or a hamlet and the name of village is Dhankli of which the applicant was a resident. The applicant has said that no enquiry was made about this matter. He has claimed that he was resident of the same village in which the Branch Post Office, Bhantar (Thal) is situated. He has produced his correspondence with the Tahsildar as a proof of his averments. The respondents in their counteraffidavit have denied that Bhantar is not a village and stressed that the applicant was a permanent resident of Melhi Tok and not of village Bhantar

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as required under the eligibility criteria for selection as E.D.B.P.M.

I have gone through the contents of written pleadings but have not been able to ascertain whether Bhanter and Melhi are the same Tok or are two different Toks. There is nothing on record to show the distance of Bhanter from Melhi if they are two different Toks or hamlets. There is no clarity in the departmental instructions as to whether a candidate belonging to a hamlet of the same village will be considered to be a permanent resident of the village. If the department means by a village a particular habitation having a defined number of houses and a definite population, it should clearly define the place so that such an instance giving rise to this case does not recur. Such a confusion leads to difficulty in sponsoring of names by the employment exchange, difficulty in verifying the facts contained in the applications of candidates and short duration of appointment of a candidate as E.D.B.P.M. and injustice to persons who are so appointed and later on asked to go.

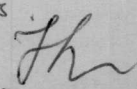
In the present case, the departmental authorities must have followed the procedure of verifying the place of residence of the applicant, the building proposed to be used as Branch Post Office in case of appointment of the applicant to the post of E.D.B.P.M. and the place of property owned by the applicant and only after such a verification, the respondents would have issued letter of appointment to the applicant. The applicant had the branch post office functioning for six months before his appointment was terminated. The ground on which the Termination has been done is dubious because it has not been settled by the respondents as to whether the status of permanent residence of Melhi was adequate or not.

We, therefore, set aside order of termination of services of the applicant dated 11-3-92. The applicant shall be entitled to all other consequential benefits except wages for the period between 11-3-92 and the date of communication of this order, when some other person worked as E.D.B.P.M., Bhanter.

There shall be no order as to costs.



AM



JM