

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 18th day of October 1995.

Original Application no. 1771 of 1992.

निशुल्क प्रतिलिपि

Hon'ble Mr. T.L. Verma, Judicial Member
Hon'ble Mr. S. Dayal, Administrative Member.

Karam Singh S/o Sri Himmat Singh, R/o Village Khasuli Patti,
Bhantar, Teh: Deainot, District Pithoragarh.

... Applicant.

C/A Shri R. Dobhal.

Versus

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

... Respondents.

C/R Shri S.C. Tripathi.

ORDER

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

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

2. The applicant seeks following reliefs through this
application:-

- i. Setting aside of order of respondents no. A-68-PF/
Bhantar, District Pithoragarh dated 11.03.92.
- ii. Issuance of direction to the respondents to treat
the applicant in service and pay his salary.

3. The facts as contained in the application are that

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Sd/- S.C. Tripathi, Adv.
 C-A IT: Allahabad
 (Respondent's Camp)



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the applicant was appointed as EDBPM, Bhantar (Thal) on ^{to 06.07.91.} 24.07.91. He was sent for training of four days from 03.09.91. He was directed on 06.09.91 after completion of his training to join his duty as EDBPM, Bhantar (Thal) which he ^{and} ~~did~~ continued to work without any complaint about his work or conduct. He was issued a notice on 14.02.92 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 26.02.92 that village Bhantar was situated within the boundary of Gram Sabha, Dhankli (Methi) and the applicant was a resident of Gram Sabha Dhankli. The Superintendent, Post Offices, Pithoragarh passed an order terminating the applicant's service on 11.03.92 on the ground that the appointment of the applicant was against departmental rules. His representation against termination was rejected on 20.04.92 on the same grounds.

4. 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.

5. 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

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The respondents in their counter affidavit have denied that Bhanter is not a village and stressed that the applicant was a permanent resident of Melti Tok and not of village Bhanter as required under the eligibility criteria for selection as EDBPM.

6. I have gone through the contents of written pleadings but have not been able to ascertain whether Bhanter and Melti are the same Tok or are two different Toks. There is nothing on record to show the distance of Bhanter from Melti 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 plea 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 EDBPM and injustice to persons who are so appointed and later on asked to go.

7. 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 EDBPM 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 Meithi was adequate or not.

8. We, therefore, set aside order of termination of service of the applicant dated 11.03.92. The applicant shall be entitled to all other consequential benefits except wages for the period between 11.03.92 and the date of communication of this order, when some other person worked as EDBPM, Bhanter.

There shall be no order as to costs.

Prepared by 2.

PHS
22/1/95

sc/c
Member-A

sc/c
Member-J

TRUE
COPY

N. S. Dubey
22/1/95
N. S. Dubey
Section Officer
Admin. Tribunal
Allahabad