

THE CENTRAL ADMINISTRATIVE TRIBUNAL-ALLAHABAD BENCH-ALLAHABAD.

O.A. NO. 185 of 1992.

Ashok Kumar Mishra..... Applicant.

Versus

The Union of India & others..... Respondents.

Hon'ble Mr. Justice U.C. Srivastava- V.C.

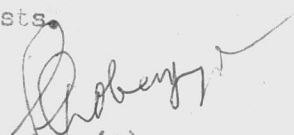
Hon'ble Mr. K. Obayya - A.M.

(By Hon'ble Mr. Justice U.C. Srivastava- V.C.)

As the vacancy of Extra Departmental Runner at Post office Branch Shahbajpur, Kasya, District Deoria, had fallen vacant, a requisition was sent to the Employment Exchange on 6.4.91. The names of four candidates were sent by the Employment Exchange. Later on names of six candidates were sent after due date which were not considered. From amongst the candidates, the applicant was found to be the best candidate and that is why he was appointed on 27th August, 1991. The applicant was working as such when all of a sudden, he was being terminated by the order dated 6.2.92, the applicant appointment was cancelled and the private respondent Farukh Ali was appointed and it appears that the applicant in view of the interim order passed by the Tribunal has not handed over the charge. Private respondent has not filed any reply, but the other respondents have filed reply and it has been stated that ~~xxx~~ as the Superior Authority found certain irregularities in the matter of appointment, there being no full particulars of the candidates as the said Farukh Ali ~~xx~~ has secured more marks than the applicant in his High School examination, he was a better candidate and that is why the appointment of the applicant was cancelled and he was appointed. It is difficult to assess that when this matter was considered, even if full particulars were not sent by the Employment Exchange, the department or the officers who were to make the appointment have considered the matter of appointment and failed to perform their duties and did not consider the matter. Over all it may be that the applicant secured lesser marks than the private respondent. But it appears that at that time the applicants over all merit

was adjudged too better than ^{the} other applicants and i.e. why he was appointed. After the appointment, this appointment was to be cancelled, the same could not have been done without giving the opportunity of hearing to the applicant in whose favour certain civil rights have ~~xxx~~ accrued and as such on this ground itself this order cancelling the appointment of the applicant and appointment of another person can not be allowed to stand being against the law and against the principles of natural justice and accordingly this application is allowed and the order dated 25.11.91 cancelling the applicant's appointment and appointing to another, private respondent in his place is quashed and the applicant will be deemed to be continuing in service. No order as to the

costs.


Member (A)


Vice Chairman.

Dt: July 3, 1992.

(OPS)