

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Misc. Application No. 1879 of 1992

In

Original Application No. 251 of 1992

Sukh Nidhan Dubey Applicant

Versus

Union of India and Others Respondents

CORAM:

Hon'ble Justice U.C. Srivastava, V.C

Hon'ble Mr. K. Obayya, Member(A)

The vacancy for the post of Extra Departmental Branch Post Master, Sirauli, Meerganj Jaunpur was advertised by the respondent no.1 and applications were also invited for the said post for holding written test and interview. The applicant also applied for the said post and appeared in written test and interview before the appointing authority. The candidates whose names ^{were} ~~were~~ called ~~for~~ from the Employment exchange ~~were~~ also interviewed. The applicant was declared selected and as such he was given appointment for the post of E.D.B.P.M Sirauli, Meerganj, Jaunpur. After working for about six months vide order dated 7.2.92 his services were terminated purporting ^{to be} under Rule 6 of EDBPM PGA Conduct and Service Rule.

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2. The respondents in their return have submitted that the candidate having the highest percentage of marks in High school was ignored on the false report of the Sub Divisional Inspector (Posts), Mariyahan, Jaunpur to the effect that he did not have suitable accommodation for keeping a post office. Being aggrieved with the appointment of the applicant, one Girija Shanker Dubey, one of the candidate represented to the Post Master General Allahabad to enquire into the matter relating to the appointment of the applicant. As such the relevant file of the Superintendent of Post offices Jaunpur was called for by the post Master General Allahabad to review the appointment of the applicant. The post master general Allahabad directed the Investigating officer to verify the facts of the case on the spot and from the report of the Investigating Inspector it was found that the report of the Sub- Divisional Inspector (Posts), Mariyahan Jaunpur regarding suitability of the house, was incorrect and the Investigating Inspector has stated in his report that the house of Girija Shanker Dubey was suitable for keeping a post office. It was in these circumstances the appointment of the applicant was cancelled. If that was the position, it was a factual position and the respondents after making an enquiry behind the back of the applicant relying on the report of

the Investigating Inspector and on the complaint of said Girija Shanker Dubey, he cancelled the appointment of the applicant. Without giving an opportunity of hearing when the applicant was regularly appointed and of course however official acts are presumed to be done in accordance with usual course there was a presumption that of course, incase everything was verified/^{about}~~in~~ the applicant and thereafter appointment ^{an opportunity} was given. In these circumstances/~~of~~ hearing to the applicant was must as the applicant would have been got an opportunity to contest the report which was given behind his back and that the ~~principle~~ principles of natural justice are not ~~in~~ excluded from it as no opportunity of hearing was given to the applicant, the order of cancellation cannot be allowed to stand.

3. Accordingly, the application is allowed and the order dated 7.2.92 is quashed. However, it will be opened for the respondents to pursue the matter after giving an opportunity of hearing to the applicant and pass any order in accordance with law, No order as to the costs.


Member (A)


Vice Chairman

Dated: 15th January: 1993:

(Uv)