

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

C.A. No. 48 of 1992

P.K.Yadav

....

Applicant

Vs.

Union of India & Others...

Respondents

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

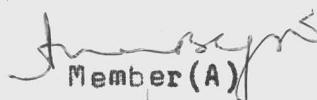
(BY Hon. Mr. Justice U.C Srivastava, VC)

After the establishment of a new Post Office in the village Mehri (Gulzerganj), Jaunpur the post of Extra Departmental Branch Postmaster ~~was~~ fell vacant. A letter was sent to the Employment Exchange to sponsor the names of suitable candidates for the appointment on the said post and the Employment Exchange sent a list of three candidates including ~~name~~ of the applicant. Thereafter the selection was made and the applicant was selected and appointed as Extra Departmental Branch Postmaster vide order dated 12.7.91 and after undertaking all the formalities he was sent for training for the same. Thereafter the applicant was given the charge of the said post on 16.7.91 and since then he has been continuously working. Abruptly he was informed that his services have been terminated on 6.1.92 and the charge of the said post was taken over ~~from~~ by him. This led to him to approach the Tribunal.

2. The respondents have opposed the application filed by the applicant and have pointed out that one of the candidates for the said post Smt. Pushpa Devi, represented the case before the Director, Postal Services, Allahabad and the Director, postal Services found that the said Smt. Pushpa Devi belongs to Scheduled Caste Community and

preference was to be given to her. As such the appointment of the applicant was cancelled and Smt Pushpa Devi was appointed on the said post in pursuance of the direction given by the Director, Postal Services.

3. Although various grounds have been taken by the applicant while challenging the said termination order, ~~ground~~ ~~not~~ one of the taken by the applicant is that no opportunity of hearing was given to him before passing the termination order which is violative of principles of natural justice. Obviously when the applicant was duly selected and worked for several months the opportunity of hearing was to be given to him before terminating his service, but the same was not done in the instant case. Accordingly this application deserves to be allowed and the termination order dated 6.1.92 is quashed and the applicant will be deemed to be continuing in service. However, it will be open for the respondents to give an opportunity of hearing to the applicant and thereafter to pass the necessary orders. Let it be done within a period of 3 months from the date of communication of this order. No order as to costs.


Member (A)


Vice-Chairman

12th May, 1992, Allahabad.

(eph)