

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

....

Registration O.A. No. 603 of 1992

Yogesh Kumar Mishra Applicant .

Versus

Union of India
and others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member (A)

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

As the pleadings of this case are complete. We are going to dispose of this case at this stage with the consent of the parties.

2. The respondent no. 1 demanded the names of some suitable candidates from Employment Exchange to fill up the posts of Extra Departmental Mailman which were lying vacant in the office of the respondent no. 1. 10 names were sent by the Employment Exchange. The applicant's name was also sponsored from the Employment Exchange and the respondent no. 1 directed the applicant vide letter dated 26.2.1991 to submit his particulars in a prescribed form upto 11.3.1991. The applicant has completed all the formalities and has adopted whole procedure which is prescribed in the rules for making the regular selection but inspite of that, the applicant was given a provisional appointment only for three months. The verification of character and other antecedents of a candidate is one of the pre-requisite conditions for regular appointment, therefore, the respondent No. 1 vide letter dated 10.4.1991 requested the District

l/s

Magistrate Unnao for verification for verification of character and antecedents of the applicant. The verification papers were received back from the office of the District Magistrate, Unnao, with the report that no such person named Sri Yogesh Kumar Mishra son of Sri Krishna Mishra is resident of village Khatrin Khera and that is why the impugned order was passed; although, the applicant has already ~~been~~ taken over the charge. As the applicant's services were terminated on the ground that he was not resident of village Khatrin Khera. No enquiry to this effect has taken place and no opportunity of hearing has been given to the applicant in terminating his services by the respondents.

3. Accordingly, this application is allowed and as no opportunity of hearing was given to the applicant, the order dated 9.4.1992 is quashed. The applicant will be allowed to continue in service if in the meantime, no regular appointment has been made. It will be open for the respondents to hold a fresh enquiry in the matter associating ~~with~~ the applicant within a period of three months from the date of receipt of the certified copy of this order. In case, it is found that the applicant, in fact, was not the resident of ~~of~~ that village, his appointment shall stand quashed but in case it is found, that he is not resident of village Khatrin Khera, he will be allowed to continue in service. The application is disposed of with the above terms. No order as to the Costs.

Member (A)

Dated: 25.11.1992

(n.u.)

Vice-Chairman