

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD
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Original Application No. 58 of 1992

Hridya Narain Shukla Applicant.

V E R S U S

Union of India & Others..... Respondents.

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

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

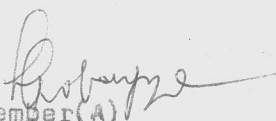
(By Hon'ble Mr. Justice U.C. Srivastava, V.C)

As the pleadings are complete, the case is being heard and disposed of finally.

2. The post of Extra Departmental Branch Post Master, Jammu Patti, fell vacant due to creation of Branch Post Office, Jammu Patti, Badlapur in accounts with Badlapur Sub-Post Office, Badlapur district Jaunpur. The District Employment Officer was contacted for sponsoring the name of the candidates, in which the ^{names of} 5 candidates were received on 3.6.1981 including that of the applicant. After completion of all the formalities including the application and the documents the selection was made and the applicant was considered to ^{be} the best amongst all and that's why he was appointed vide order dated 2.8.1991. He took charge on 20.8.91. In the meantime, it appears that others candidates made complaint and ^{so} such the Chief Post Master General, U.P. Lucknow reviewed the appointment and according to him there was mistake and irregularities in the matter of appointment. Consequently, he directed the Superintendent of Post Offices, Jaunpur to cancel the appointment of the applicants and that's why vide order dated 11.12.1991, the ^{appointment}

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was cancelled. The cancellation order has been challenged. Obviously, the order which has been passed by the Superintendent of Post Office and he did not pass the order himself, which vitiates the order. Even otherwise, the applicant having been duly selected and given charge of the office for holding the said office, his appointment could not have been cancelled without giving any opportunity of hearing to him. The principle of natural justice is thereafter violated. Even though, the applicant had certain right, as already vested to him. Accordingly, the application deserves to be allowed and the cancellation order dated 16.12.1991 is quashed. However, the applicant will be deemed to be in continuing service. However, it will be open for the respondents to give an opportunity of hearing to the applicant and appraise him of the reason of the cancellation of his appointment and after taking his version and fact that the selection was made by the competent authority may pass a necessary order, which is warranted under the facts and circumstances. With these observations, the application is disposed of finally, No order as to the cost.


Member (A)


Vice-Chairman

Allahabad Dated: 24.11.1992.

(RKA)