

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD

O.A.No. 634/92

Arun Kumar Tripathi....Applicant
Versus
Union of India and others.Respondents.

Hon'ble Mr. Justice S.K.Dhaon, V.C.
Hon'ble Mr. K.Obayya,, A.M.

(By Hon'ble Mr. Justice S.K.Dhaon, V.C.)

On 12th May, 1992 this Tribunal directed the respondents to show cause within 4 weeks as to why this application may not be admitted. The office reports that notice was given to Sri N.B.Singh, Senior standing counsel, but no reply has been filed.

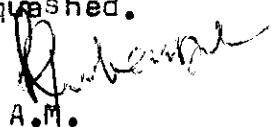
2. On 19.5.92 this Tribunal declined to grant any interim relief as it felt that this application should be finally disposed of. Today neither Sri N.B.Singh has appeared nor any counter affidavit has been filed. Under the circumstances, we have no option but to proceed with the hearing of this application.

3. In the absence of any counter affidavit the averments made in this application are to be treated as correct. In para 12 of the application it is averred; the post on which the applicant was working is a permanent one and the same is still in existence. Juniors to the applicant namely Sri Jai Pal Singh, EDMR Naila Rasoolabad and Chandra Shaikh, EDMR, Jhunjhar etc. who had been appointed after the applicant have been retained in service.

4. The impugned order has been purportedly passed under rule 6 of the Extra Departmental Agent Conduct Rules 1964. It provides that the service of an employee who has not rendered more than 3 years continuous service from the date of his appointment, shall be liable to be terminated at any time without any notice.

continue, we see no reason as to why the applicant has been removed from service. The impugned order, therefore, is not sustainable.

6. The application is allowed. The impugned order is quashed.


A.M.


V.C.

Dated: Allahabad
June 29th, 1992

(AR)