

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

ALLAHABAD

O.A.No.914/92

Indra Pal Singh ::::: Applicant

Vs.

Union of India & Others :::: Respondents.

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

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

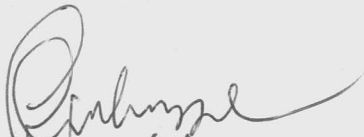
(By Hon.Mr. Justice U.C.Srivastava, V.C.)

The applicant was appointed as C.P.night Chowkidar at Bijnor, Dehradun, w.e.f. 1-8-1978. He was given temporary status by order dated 2-8-91 w.e.f. 29-11-89 and later on he was engaged as Wireman on 19-4-90 vide order ^{of} Superintendent of posts Offices, Bijnor, dated 19-4-90 and thereafter, this order was cancelled and in the cancellation order it was not provided that the applicant will go back to his original ~~XX~~ post of C.P. Chowkidar. From the reply which has been produced by the learned counsel for the respondents it appears that the appointment of the applicant was cancelled because it was made without consulting with the Executive Engineer(Ele.), Lucknow and without convening the D.P.C. Admittedly there are no such rules, but the C.P.M.G. vide letter dated 15-11-80 directed to all the Divisional Superintendants to regularise the appointment of Wiremen and to take action to fill up the post of Wiremen, if any, in consultation with the Executive Engineer(Ele.), Lucknow, after convening a D.P.C. The applicant, who was engaged as outsider Wireman, was appointed as Wireman Bijnor division on adhoc basis, but it appears that the approval was not taken as mentioned in the said letter and no D.P.C. was convened and some complaint

was made by somebody and that is why this appointment was cancelled.

2. The counsel for the applicant contended that while cancelling the appointment order, no opportunity of hearing was given to the applicant. The Counsel for the respondents stated that as the appointment itself was irregular and against the direction given by the Chief Post Master General, the appointment had to be cancelled and that is why it has been cancelled. It was not that the applicant has got himself appointed, but it was the Superintendent who made the appointment. But it appears that without taking any action against the Superintendent, who in fact is responsible for making the appointment, action has been taken against the applicant. The letter was issued by the Chief Post Master General on 19-11-1990. The letter itself provides that action should be taken for regularising the services of the Wireman and future appointments are to be made in a particular manner. The applicant was already appointed prior to the issue of the said letter and as such the applicant should have been first considered for regularisation and it is only thereafter that his appointment should have cancelled, but that was not done. Accordingly this application deserves to be allowed and the order dated 3-7-92 cancelling the appointment is quashed. However, it will be open for respondents to consider the case of the applicant for regularisation. In case he cannot be regularised in the post of Wireman and if it is only a fit case for terming it as adhoc appointment, let it be set aside and the applicant be sent back to his original post as C.P.

chowkidar or any other status which he would have earned had he continued as C.P.Chowkidar during all these periods.


Member (A)


Vice-Chairman.

Dated: 15th Oct., 1992, Allahabad.

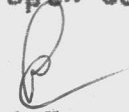
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15/10/92

Hon.Mr.Justice U.C.Srivastava, V.C.
Hon.Mr. K. Obayya, A.M.

The case is being heard and disposed of finally after hearing the counsels for the parties who have produced the para-wise comments on the basis of which a written statement has been drafted, but the same has not been received.

Judgement has been dictated in the open Court.


A.M.


V.C.