

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

ALLAHABAD

G.A.No.1238/92

Jagpal Singh :::::::::: Applicant

Vs.

Union of India & Others :::::::::: Respondents

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

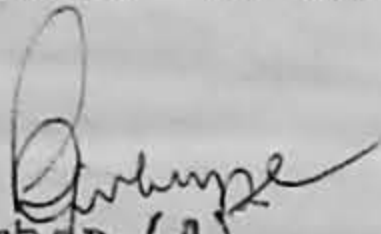
Hon.Mr. K. Obayya, A.M.

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

After due selection, the applicant was appointed as Extra Departmental Branch Post Master. He has also deposited the required security amount, and he has been working as E.D.B.P.M. But a termination order dated 14-8-92 purporting to be under Rule 6 of E.D.As Rules 1964 has been passed. It was stated that there were some complaints to the effect that the candidates who are higher in merit have not been selected and the applicant who was lower in merit was selected and that is why the Director of Postal Services reviewed the matter and found certain irregularities inasmuch as one Om Prakash Narayan, who was superior in merit, was ignored and the applicant was given appointment.

2. It has not been stated in the Counter Affidavit as to whether the person who has selected the applicant has been penalised or action has been taken against him. Without taking any action against the authority who has selected the candidate, the appointment of the applicant has been cancelled, and that too without giving him an opportunity of being heard, as a right has accrued in his favour.

3. Accordingly this application is allowed and the order dated 14-8-92 cancelling the appointment of the applicant is set aside and the applicant is deemed to be continuing in service. However, it will be open for the authority concerned, without being influenced by any superior authority, in exercise of his own judgement, to look into the matter, after giving due opportunity to the applicant of being heard, to pass appropriate orders. No order as to the costs.

  
Member (A)

  
Vice-Chairman.

Dated: 2nd December, 1992, Allahabad.

(tgk)