

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Original Application No: 493 of 1993

Prem Chand Applicants.

Versus

Union of India & ors. Respondents.

Hon'ble Mr. Maharaj Din, Member-Judicial

Hon'ble Miss Usha Sen, Member-Administrative

(By Hon'ble Mr. Maharaj Din, J.M.)

The applicant was selected for the post of E.D. Stamp Vendor and was appointed as such on 8.8.1990. He after having worked for about two and half years was terminated from the service on the complaint that he does not stand to merit as compared to others who were considered for the selection. The names of three persons including the applicant were sponsored for the selection of the said post and among the three persons, the applicant was found most suitable so he was selected for the post and accordingly he was appointed as E.D. Stamp Vendor. It is stated that the appointment of the applicant was made in accordance with the Rules. Suddenly vide order dated 25.2.1993, services of the applicant were terminated under Rule 6 of E.D.A.'s Rules. The applicant has alleged that his services were terminated as the respondents wants to appoint some other person in his place. The respondents without making an inquiry or without knowing the truth terminated the service of the applicant arbitrarily.

Amna

2. The Rule 6 of E.D.A.'s Rules is modified vide order dated 2.2.1993 and as per modified Rule, one month prior notice before passing the termination order was required to be given. In case of the applicant, neither one month notice nor one month pay in lieu thereof was given to the applicant before terminating his service, thus, the order of termination was passed in clear violation of the Rule 6 of E.D.A.'s Rules.

3. In the Counter Affidavit filed by the respondents, it has not been said that the applicant was penalized on taking action on account of some complaint. The appointment of the applicant has been cancelled without giving him an opportunity of being heard. Since he was duly selected candidate therefore the right had accrued in his favour.

4. Keeping in view these facts and circumstances of the case, the application is allowed and the order dated 25.2.1993 cancelling the appointment of the applicant is set aside and the applicant shall be deemed to be continuing in service. We however, observed that it will be open for the authority concerned that without being influenced by any extraneous consideration, in exercise of his own judgement to look into the matter, and after giving due opportunity to the applicant of being heard may pass appropriate order.

5. There will be no order as to costs.

Mukundan
Member-A

W.M.
Member-J