

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 2ND DAY OF NOVEMBER, 2000

Original Application No.739 of 1993

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.BISWAS, MEMBER(A)

Bal govind Rai,a/a 31 years,
S/o Shri Yado Nath Rai, r/o vill Sheshuwapar
P.S.Sheshuwapar,Distt. Ghazipur.

... Applicant

(By Adv: Shri O.N.Shukla)

Versus

1. Union of India through the Secretary, Ministry of Communication, Govt.of India, New Delhi.
2. The Post Master General, U.P.Zone, Lucknow.
3. Director of Postal Services, Allahabad.
4. Superintendent of Post Offices, Ghazipur.
5. Ram Janam Yadav,Branch post Master Sishuwapar, Distt. Ghazipur.

... Respondents

(By Adv: Shri Amit Sthalekar)

O R D E R (Oral)

(By Hon.Mr.Justice R.R.K.Trivedi,V.C.)

By this application u/s 19 of the A.T.Act 1985 the applicant has challenged the legality of the order dated 13.4.1993 by which his services as E.D.B.P.M has been terminated under Rule 6 of P&T Extra Departmental Agents (Conduct & Service) Rules 1964. The learned counsel for the applicant has submitted that though order has been passed under rule 6, in reality appointment of the applicant was cancelled by Director of Postal Services Allahabad without giving opportunity of hearing. In fact the provisions of rule 6 could not be invoked against the applicant and the impugned order is not an order

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terminating the the applicant from service simplicitor. Learned counsel has also relied on the order of this Tribunal in a case of 'Jagdamba Prasad Pandey Vs. Union of India and Others 1988 UPLBEC-101 Trichinapally.

Shri Amit Sthalekar, learned counsel appearing for the respondents submitted that the appointment of the applicant was illegal and it ^{had} ~~was~~ rightly been cancelled. However, he could not justify the passing of the order of cancelling the appointment without giving opportunity of hearing to the applicant.

As the impugned order was only a consequential order and the main order was ^{an} ~~was~~ passed by the Director postal Services without giving opportunity of hearing to the applicant. In our opinion, the order cannot be sustained. The case of the applicant is squarely covered by the order of this Tribunal in case of 'Jagdamba Pd.Pandey(Supra).

The application is accordingly allowed and the order dated 13.4.1993(Annexure 3) is quashed. However, it shall be open to the respondents to pass a fresh order in accordance with law. There will be no order as to costs.

S. Basu

MEMBER(A)

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VICE CHAIRMAN

Dated: 02.11.2000

Uv/