

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 09th day of July, 2001.

CORAM :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.  
Hon'ble Maj. Gen. K.K. Srivastava, A.M.

Original Application No. 1154 of 1993.

Raghvendra Singh S/o Late Lalloo Singh a/a 32 years  
E.D.B.P.M, Behra Thanagaddi, Jaunpur.

.....Applicant.

Counsel for the applicant :- Sri R.P. Singh

V E R S U S

1. Union of India through the Secretary, Department of Post and Telegraphs, New Delhi.
2. Post Master General, Allahabad.
3. Director, Postal Services, Allahabad.
4. Superintendent of Post Offices, Jaunpur.
5. Dashrath Yadav, a/a 30 years. S/o Ram Dulare Yadav Vill. & Post- Behra, Distt. Jaunpur.

.....Respondents.

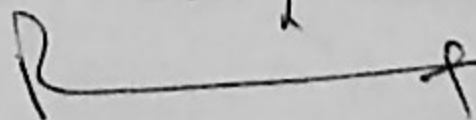
Counsel for the respondents :- Sri Amit Sthalekar

O R D E R (Oral)

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

This application has been filed under section 19 of the Administrative Tribunal's Act, 1985.

2. The facts giving rise to this application are that the post of Extra Departmental Branch Post Master (EDBPM) Behra, Distt. Jaunpur, <sup>had a</sup> fallen vacant on



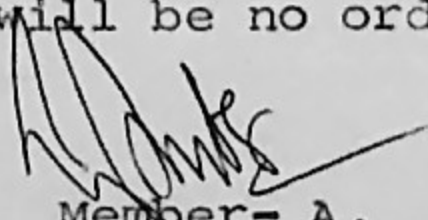


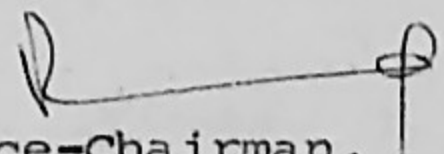
retirement of Sri Jwala Prasad Mishra. By letter dated 30.07.91 names were required from the Employment Officer and five names were forwarded by the Employment Officer including name of the applicant. After completing usual formalities, applicant was found most suitable for appointment as E.D.B.P.M. Accordingly applicant was appointed vide order dt. 17.02.1992 and took the charge on 24.02.1992.

3. It appears that one of the candidates ~~was~~<sup>had</sup> filed complaint against the applicant before Post Master General, Allahabad who, by his order dated 30.06.1992 cancelled the appointment of the applicant and ~~was~~<sup>was</sup> directed to arrange the transfer of charge from the applicant to mail overseer. Learned counsel for applicant has submitted that applicant has already joined the post and was working on the same, the appointment could not be cancelled without giving opportunity of hearing to the applicant. It is also submitted that P.M.G being superior authority ~~can~~<sup>could</sup> not be reviewed the decision taken by the S.S.P.O, Jaunpur. Learned counsel has placed reliance in the Full Bench judgement of Tilakdhari Yadav Vs. U.O.I & Ors. (1997) 36 ATC 539.

4. Sri Amit Sthalekar, learned counsel for the respondents on the other hand has submitted that the order of cancellation was justified in the facts and circumstances of the case. However, he could not satisfy us that the order ~~can~~<sup>could</sup> be passed without giving him opportunity of hearing. In our opinion, the judgement of Full Bench in case of Tilakdhari Yadav is squarely applicable in the present case and the applicant is entitled for relief. The OA is accordingly allowed. Order dt. 15.07.1993 (annexure-1) is quashed.

5. There will be no order as to costs.

  
Member- A.

  
Vice-Chairman.

/Anand/