

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1486 of 1994

Allahabad this the 29th day of May, 2000

Hon'ble Mr. S.K.I. Naqvi, Member (J)
Hon'ble Mr. M.P. Singh, Member (A)

Nand Kishore Goowami, aged about 36 years, Son of Shri Balram,
resident of Village and Post Ait, District Jalaun.

Applicant

By Advocate Shri

Versus

1. Union of India through Ministry of P & T, New Delhi
2. Director General P & T, Agra.
3. Sr. Superintendent (Post Office) Jhansi Division, Jhansi.
4. Inspector of Post Office, Orai (District Jalaun).
5. Sub Inspector of Post Office, Konch, District Jalaun.

Respondents

By Advocate Shri P. Mathur

ORDER (Oral)

By Hon'ble Mr. S.K.I. Naqvi, Member (J)

As per applicant's case, he joined as daily rated Chowkidar in village and post office Ait, District Jalaun on 11.2.1981. The services of daily rated employees were subsequently regularised and were allowed regular pay scale of Rs.750-940. On 12.7.1990, he proceeded on two days leave in connection with ailment of his son and as alleged by the applicant the acting Post Master Shri Ram Samujh Maurya took the advantage of applicant's absence and

embezzled the Govt. cash of Rs.56,772/- by opening the double lock of the Govt. Cash chest and lodged a false report alleging theft of Govt. property. The Acting Post Master Shri Ram Samuj Maurya and Packer Shri Ramesh Chandra have also been booked under 409 I.P.C. alongwith the applicant-Nand Kishore Goswami. All these 3 Post Office employees were bailed out by the Court and Shri Ram Samuj Maurya and Shri Ramesh Chandra were reinstated but the services of the applicant have been terminated, against which he preferred an appeal dated 04.3.91 but the same has been rejected on 24.5.91. Impugning the termination order and the appellate order, the applicant has come up under Section 19 of the Central Administrative Tribunals Act.

2. The respondents have contested the case mainly on the ground that the applicant-Nand Kishore Goswami was appointed as Contingent Paid Chowkidar and during the tenure of his service, theft was committed in the night of 14/15.7.1990 for which an F.I.R. for theft was lodged but during the investigation, it was found to be a case of embezzlement in which the applicant was charge-sheeted alongwith two others and therefore, after issue of show-cause notice dated 05th December, 1990, the services of the applicant were terminated vide order dated 02.1.1991, against which the applicant preferred appeal but the same was also rejected. The respondents have assailed the case on merit as well as on the ground of being grossly barred by the period of limitation.

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3. Perused the record and considered the arguments placed before us.

4. It is not in dispute that the applicant was working only as Contingent Paid Chowkidar. The applicant has failed to substantiate his assertion that his services were regularised and he was given scale of pay as regular employee. As per service condition of Contingent Paid Chowkidar, they can be terminated whenever no more required and in this particular case, it has also been brought on record by the respondents that administrative decision at the competent level was taken by the departmental authorities for abolition of the post of Chowkidar in the Post Office, and as such, recruitment for the post of Chowkidar has already ceased.

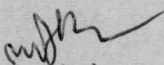
5. With the above position in view, we do not find any merit in the case brought up on behalf of the applicant and as per terms and conditions of his services, the same can be terminated whenever no more required and with further justification that the post to which he has worked, has already been abolished.

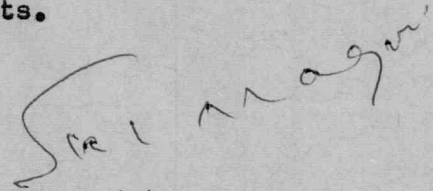
6. We also find that the case is barred by period of limitation as well. The applicant has impugned the order dated 02.1.1991 and 24.5.1991, and the O.A. was filed on 24.8.1994. We also do not agree with the contention of the applicant that in his case, the bar of limitation is not applicable because of breach of mandatory provision of rules.

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7. For the above, the Q.A. is dismissed being
devoid of merit. No order as to costs.


Member (A)


Member (J)

/M.M.✓