

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 8TH DAY OF SEPTEMBER, 2000

Original Application no.1096 of 1994

CORAM:

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

HON.MR.M.P.SINGH, MEMBER(A)

Veer Bhadur Singh, Son of Shri Raj pratap
Extra Departmental Branch Post Master
Branch Ramgarh(Koran) Allahabad, Resident
of Village and Post Ramgarh,district
Allahabad.

... Applicant

(By Adv: Shri S.N.Srivastava)

Versus

1. Union of India through its Secretary
Ministry of Communication, Department
of Post, New Delhi.
2. Senior Superintendent of Post Offices,
Allahabad Division,district Allahabad.
3. Sub Divisional Inspector Post Offices,
Meja Sub Division, district Allahabad.

... Respondents

(By Adv: Shri S.C.Tripathi)

O R D E R(Oral)

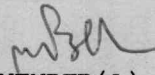
(By Hon.Mr.Justice R.R.K.Trivedi,V.C.)


By this application u/s 19 of the A.T.Act 1985, the applicant has challenged the order dated 4.7.1994 by which his services as E.D.B.P.M,Ramgarh(Koran) district Allahabad has been terminated under Rule 6 (ka) &(Kha) of the Extra Departmental Agents(Conduct &Service)Rules,1964. The learned counsel for the applicant has submitted that from perusal of Para 4 of the counter affidavit it is clear that the appointment of the applicant was cancelled by Director Postal Services Allahabad vide order dated 27.6.1994. The impugned order ^{as this is} ~~this~~ cannot be termed an order of termination Simplicitor. It has been submitted that Director Postal Services did not give any

opportunity of hearing ^{at a} ~~to~~ the applicant before cancelling his appointment. It is submitted that from perusal of the averment made in para 4 of the counter it is clear that the name of the applicant ^{had} been sponsored by the employment exchange alongwith other persons. Regular selection proceedings took ^{place} according to rules and the applicant was found most suitable to the post. Thereafter he was appointed on 1.2.1994, he joined on 14.2.1994, the applicant's services could not be terminated without giving opportunity of hearing. The order is liable to be quashed on this short ground.

Shri S.C.Tripathi, learned counsel on the other hand attempted to defend the impugned order but he could not appropriately reply the legal infirmity with which the impugned order dated 4.7.1994 suffers. The order has been passed at the instance of the Superior Authority which cancelled the appointment of the applicant. Such an order cannot be termed an order of termination simplicitor under Rule 6(ka) and (Kha) of the Extra Departmental Agents(Conduct &Service)Rules, 1964. In our opinion the applicant is entitled for relief.

The application is accordingly allowed. The order dated 4.7.1994 (Annexure 1) is quashed. The applicant shall be entitled for being reinstated on the post with all consequential benefits except the backwages. There will be no order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated: 8.9.2000

Uv/