

CENTRAL ADMINISTRATIVE TRIBUNAL, ALIAHABAD BENCH,
A L L A H A B A D

Dated : Allahabad this the 8th day of February, 1996.

CORAM : Hon'ble Mr. S. Das Gupta, Member-A
Hon'ble Mr. T. L. Verma, Member-J

Original Application No. 1173 of 1995

Ashok Kumar Singh,
son of late Raj Narain Singh,
Resident of village & Post Chandpur,
District Ballia. Applicant.

(BY ADVOCATE SHRI H.C. SAXENA)

Versus

1. Union of India,
through Chief Post Master General,
Uttar Pradesh Circle,
Lucknow.
2. Superintendent of Post Offices,
Ballia.
3. Director, Postal Services,
Gorakhpur Circle,
Gorakhpur.

..... Respondents.

(BY ADVOCATE SHRI N. B. SINGH)

O R D E R (Oral)

(By Hon. Mr. S. Das Gupta, Member-A)

The applicant in this case, stated to have been appointed provisionally as Extra Departmental Branch Post Master, Chandpur, Ballia vide appointment letter dated 8.12.1993. This appointment was in place of one Sita Ram who was put off duty pending disciplinary/judicial proceedings against him.

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The applicant took charge on 14.12.1993 and it is stated that he continued to function as E.D.B.P.M. until his services were orally terminated on 22.7.1995 and the charge was given back to Sri Sita Ram. The grievance of the applicant is that his services were terminated without being given any notice.

2. We have carefully perused the appointment letter dated 8.12.1993. This letter clearly indicates that the applicant was being provisionally appointed and such appointment shall be tenable till the disciplinary proceedings against Sri Sita Ram Singh are finally disposed of and he has exhausted all the channels of departmental and judicial appeal and petition. It is also specified that in case it is finally decided, to take Sri Sita Ram Singh back into service, the provisional appointment of the applicant will be terminated without notice and without assigning any reason.

3. It is clear from the averments made in the O.A. that the services of the applicant have been terminated on the proceedings against Sri Sita Ram Singh having been concluded and the department having decided to take him back. Therefore, in terms of letter of appointment which are binding upon the applicant, his services stood terminated when Sri Sita Ram Singh was taken back in service. No rule was filed to indicate that any notice is required to be given to the applicant. The learned counsel for


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the applicant has also not shown ^{us} ~~out~~ any rule under which any notice is required to be given.

4. In view of the foregoing we find no merit in this application and dismiss the same in limine.


Member-J


Member-A

Dt/-Allahabad Feb. 8, 1996

(pandey)