

(Open Court) 5

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 10th day of May, 2001.

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

Orginal Application No. 109 of 2000.

Lalta Prasad, a/a 24 years, S/o Sri Baldeo Prasad.
R/o Vill. & Post- Barat Bojh, Distt. Pilibhit.

..... Applicant.

Counsel for the applicant :- Sri Rakesh Verma

V E R S U S

1. Union of India through the Chief Post Master General,
U.P. Circle, Lucknow.
2. The Post Masster General, ~~Bareilly~~.
3. The Senior Superintendent, Post Offices, Nainital.
4. Assistant Superintendent, Post Offices, Pilibhit.
5. Teg Kumar, a/a 24 years. S/o Sri Roshan Lal
Vill. & Post- Barat Bojh, Distt. Pilibhit.

..... Respondents

Counsel for the respondents :- Sri S.C. Tripathi

O R D E R (oral)

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

By this application under section 19 of the
Administrative Tribunal's Act, 1985, applicant has
challanged the order dt. 17.01.01 (annexure- 1)by which
his services as Extra Departmental Branch Post Master

(EDBPM), Barat Bojh, Distt. Pilibhit have been terminated.

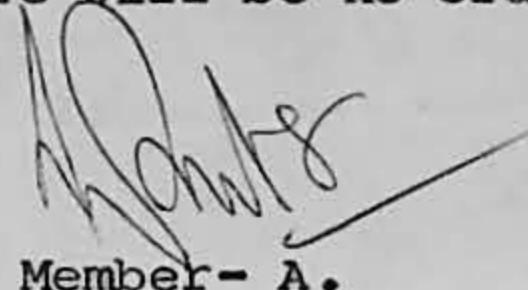
2. The facts of the case are that the regular post of EDBPM, Barat Bojh fell vacant. After regular selection, Applicant Lalita Prasad was appointed by order dt. 13.09.99 (annexure- 2). The applicant in pursuance of the order of appointment, joined the post on 27.09.99. Against the appointment of the applicant, respondent No.5, Teg Kumar filed a complaint before Post Master General, Bareilly (respondent No. 2), who by order dt. 05.01.00 directed that the appointment of the applicant may be cancelled. In pursuance of the order dt. 05.01.00, respondent No.3 passed the order dt. 17.01.00 (annexure- 1) terminating the services of the applicant under rule 6(b) of E.D Agent Service and Conduct Rules, 1964. Aggrieved by which applicant has approached this Tribunal.

2. Learned counsel for the applicant has submitted that as the appointment was cancelled by respondent No.2 on complaint of respondent No. 5, the order dt. 05.01.00 can not be sustained being violation of principles of natural justice. It is submitted that the applicant was never given any opportunity of hearing before the said order was passed.

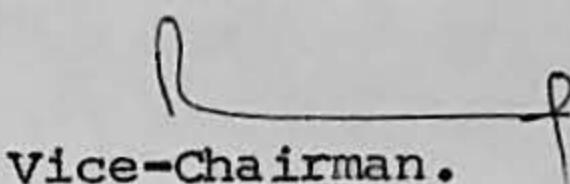
3. Learned counsel for respondents have tried to justify the order submitted that the marks obtained by the applicant in High School were less than respondent No.5. However, it would not justify the action/on the part of respondent Nos. 2 and 3 in cancelling the appointment on the basis of complaint without giving opportunity of hearing to the applicant. After considering the submissions made by counsel for the parties, in our opinion the order being/violation of principle of natural justice can not

be sustained and is liable to be quashed. For the reasons stated above, this O.A is allowed. The impugned order dt. 17.01.00 (annexure- 1) is quashed. Applicant shall be re-instated without any back wages. This order shall be complied ^{with} within three months from the date a copy of this order is filed . However, we make it clear that it would be open to the respondents to pass fresh order in accordance with law after giving opportunity of hearing to the applicant, ^{and respondent nos,}

4. There will be no order as to costs.



Member - A.



Vice-Chairman.

/Anand/