

CENTRAL ADMINISTRATIVE TRIBUNAL-L  
ALLAHABAD BENCH, ALLAHABAD.

CIRCUIT SITTING AT UTTARANCHAL, (NAINITAL)

Nainital, this the 15th day of April, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.

HON. MAJ. GEN. K.K. SRIVASTAVA, A.M.

O.A. No. 1246 of 2000

Hitendra Singh S/O Sri Kesar Singh R/O Village Queenterh,  
Post Queenterh (Wadda), District Pithoragarh.

.....

.....Applicant.

Counsel for applicant : Sri J.C. Pandey.

Versus

1. Union of India through Secretary of Tele Communication  
Secretariate, New Delhi.

2. Post Master General, Post & Telegraph Department, Bareilly.

3. Superintendent of Post Offices, Pithoragarh.

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.....Respondents.

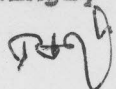
Counsel for respondents : Km. S. Srivastava.

O R D E R (ORAL)

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri J.C. Pandey, learned counsel appearing for the applicant and Sri K.C. Sinha holding brief of Km. S. Srivastava, learned Addl. Standing Counsel for the respondents. We have also perused the pleadings.

2. The applicant, it appears, was appointed to the post of Extra Departmental Branch Post Master (EDBPM) of Village Queenterh, District Pithoragarh vide order dated 11.9.1998. Vide letter dated 19.9.98, the applicant was directed to join the post after completing the required training. The applicant, it is conceded, successfully completed the training and joined the post. A notice dated 31.8.2000 was served on the applicant stating therein that during inspection, Post Master General, Bareilly found the appointment of the applicant not in accordance with the rules. The applicant was accordingly called upon to show cause why the appointment be



not cancelled. In his reply to the show cause notice, the applicant submitted that the notice was vague and indefinite in that there was nothing to show as to why was the appointment not in accordance with the rules. The Post Master General, Bareilly, by his order dated 12.10.2000 rejected the representation filed by the applicant holding that there was no provision for appointment in favour of physically handicapped candidates. It is submitted by the learned counsel appearing for the applicant that there was nothing to indicate that the applicant was appointed against the quota reserved for physically handicapped candidates. Counsel for the applicant further submits that the show cause notice was vague and indefinite and did not satisfy the test of a valid notice and hence it amounts to denial of opportunity of showing cause before cancelling the appointment of the applicant.

3. Shri K.C. Sinha, learned counsel appearing for the respondents has refuted the submission made by Sri J.C. Pandey and urged that the order has been passed after affording the opportunity to the applicant.

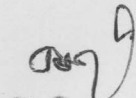
4. Having heard counsel for the parties, we are of the considered view that the show cause notice dated 31.3.2000 does not satisfy the requirement of valid show cause notice in that it is not mentioned <sup>there in</sup> as to why the appointment was not according to the rules nor did it specify the statutory rules, if any, which may have been violated. This, in our opinion, has resulted in denial of opportunity to the applicant to have his say in the matter. The Post Master General, Bareilly, Region, Bareilly while passing the impugned order has simply rejected the representation of the applicant preferred against show cause notice. This order, in our opinion, cannot be treated as an order cancelling the appointment of applicant. However, since it casts shadow on the right of the applicant to continue on the post, it is liable to be set aside.

By

5. Accordingly the O.A. succeeds and allowed. The impugned show cause notice dated 31.8.2000 and the impugned order dated 12.10.2000 rejecting the representation of the applicant are quashed. The applicant is entitled to all consequential benefits. The O.A. is disposed of.

No order as to costs.

  
A.M.

  
V.C.

Asthana/