

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 29th day of August 2000.

Original Application no. 305 of 2000.

Hon'ble Mr. S.K.I. Naqvi, Judicial Member
Hon'ble Mr. M.P. Singh, Administrative Member

Jay Singh,
S/o Shri Ram Khelawan Singh,
R/o Village Surjhanpur, Post Office,
Dhata, Distt Fatehpur.

... Applicant

C/A Shri B. Ram
Shri M.K. Updhayaya

Versus

1. Union of India through Secretary (Posts),
Department of Posts, India,
Ministry of Communication, Dak Bhawan,
Sansad Marg, New Delhi.
2. Superintendent of Post Offices,
Fatehpur, Division, Fatehpur.
3. Sub Divisional Inspector (Postal), Khaga,
Sub Division, Khaga, Fatehpur.

... Respondents.

C/Rs Sri S. Mandhyan
Sri S.C. Tripathi

/s/

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O R D E R

Hon'ble Mr. S.K.I. Naqvi, Membe -J

While working as EDMP, Belain, Dhata, Fatehpur, the applicant was served with Annexure A-1, through which his appointment has been cancelled with the mention that " दिनांक 10.02.2000 द्वारा प्राविजनल नियुक्ति रद्द कर दी गयी है " which is dated 28.02.2000 and in concluding paragraph there is a mention that show cause notice is being served giving an opportunity to the applicant to submit his reply within 10 days. The applicant replied this notice vide annexure A-6 dated 10.03.2000 and has come up before the Tribunal on 16.03.2000 seeking relief to the effect that the impugned order dated 28.02.2000 be set aside.

2. The respondents have contested the case and filed CA in which efforts have been made to justify the conduct of the respondents.

3. Heard learned counsel for the rival contesting parties and perused the record.

4. The ambiguity of impugned order dated 28.02.2000 (Annexure A-1) is apperrant, through which the decision has already been taken to cancel the appointment of the applicant and, there-after, he has ^{been} given an opportunity to reply the notice.

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We fail to understand that when the decision has already been taken then for what the notice has been served.

5. Under the circumstances, we are not in a position to sustain this impugned order which is set aside accordingly. However, the respondents are not precluded from taking fresh steps in accordance with rules in this regard and take care that in case showcause notice is the requirement then the order shall follow the show cause, not show cause ~~shall~~ ^{shall} follow the order.

6. The OA is disposed of with the above direction. There shall be no order as to costs.


Member-A


Member-J

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