

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 13th day of November 2002.

Original Application no. 90 of 2002.

Hon'ble Maj Gen K K Srivastava, Member A
Hon'ble Mrs Meera Chhibber, Member J

Sudama Singh Yadav, S/o Shri K P Yadav,
R/o Village Bubanion Raipur, Chandauli,
Varanasi.

... Applicant

By Adv : Shri T.S. Pandey

Versus

1. Union of India, through Secretary,
Ministry of Communication, New Delhi.
2. Post Master General, Post Office,
Distt. Allahabad.
3. Senior Supdt. Post Office, Eastern Division,
Varanasi.

... Respondents

By Adv : Shri R.C. Joshi & Shri R.K. Yadav

ORDER

Hon'ble Mrs. Meera Chhibber, JM

By this OA, filed under section 19 of the A.T. Act, 1985, the applicant has challenged the verbal termination order dated 25.1.2002 and have sought further direction commanding the respondents to confirm the applicant on the post of Branch Post Master Babhuriyon, Chandauli, Varanasi East..

2. The facts as stated by the applicant are that the applicant was appointed vide letter dated 5.8.1999 after carrying out due process of selection (pg 20) and he took over the post of EDBPM on 13.8.1999. He has been

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performing his duties, but suddenly on 15.1.2002 he was served with the show cause notice asking him to explain as to why his services should not be terminated as his appointment was found to be irregular, ⁱⁿ as much as ~~the~~ persons with better qualification was not selected. It is stated by the applicant that he gave his reply on 24.1.2002 itself, but on the same ~~date~~ the respondents asked him not to come ^{to} work any more. Therefore, it is submitted by him that his services were terminated by ~~order~~ order, even though he had been appointed by a written order after due selection, which according to him is not sustainable in ~~the~~ law and is liable to be quashed.

3. The respondents have opposed the O.A. and have stated at the out set that the applicant has filed this case without any cause of action ^{as R} ~~and~~ he had merely been given show cause notice and not the final order. In fact the enquiry was yet to be concluded but before that, the applicant approached the Court and obtained the stay order. Thus according to them, the O.A. is totally misconceived and premature at this stage. In para 7 they ^{have R} categorically stated that the statement of the applicant that he has been terminated is false and incorrect. On the contrary the applicant had been given an opportunity to be heard in person on 14.2.2002 vide letter dated 29.1.2002 which is annexure CA 2 to the counter affidavit. A perusal of the said letter ~~shows~~ that the applicant had been directed to appear in person in the Office of Director, Postal Services Allahabad on 14.2.2002 at 11 am. Therefore, it is clear that the respondents ~~had~~ indeed asked the applicant to appear in person on 14.2.2002. Therefore, his statement ~~made~~ before the Court on 29.1.2002 that he has been terminated has no substance.

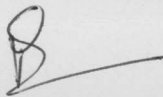


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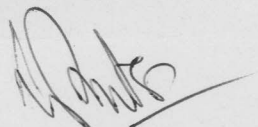
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4. In view of the statement made by the respondent's counsel and as stated in the counter affidavit that the applicant has not been terminated so far, the OA is found to be premature at this stage. Accordingly the O.A. is disposed of and the respondents are given liberty to pass appropriate order ⁱⁿ ~~in~~ accordance with law.

5. There shall be no order as to costs.



Member J



Member A

/pc/