

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION No. 1052 of 2002

Allahabad this the 19th day of september, 2002

Hon'ble Maj Gen K K Srivastava, Member (A)

Hon'ble Mr. A.K. Bhatnagar, Member (J)

Sultan Singh son of Shri Ashrafi Lal,
resident of Sheorai, Police Station,
Mirechchi, District-Etah.

.....Applicant

By advocate Shri R.K. Singh

V E R S U S

1. The Union of India through its Secretary, Department of Posts and Telegraph (Ministry), New Delhi.
2. The Superintendent of Post Offices, Etah Division, Etah.

.....Respondents

By Advocate Shri Chandika Prasad

O R D E R

Hon'ble Maj Gen K K Srivastava, Member (A)

In this O.A., filed under section 19 of A.T. Act, 1985, the applicant has challenged the termination order dated 17.07.2002 passed by respondent No.2 Annexure-4.

2. The facts, in brief, of the case are that the applicant was appointed as EDBPM on 09.03.1996 at Sheorai Post Office. On 23.04.2002 an F.I.R. was lodged at Police Station Mirechi in a Criminal Case No. 63941020157 under section 302/307 I.P.C. The applicant was taken in custody in ^{Jail} District/Etah w.e.f. 06.05.2002 in connection with a criminal case. The applicant was put off duty vide order dated 14.05.2002 (Annexure N

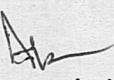
The respondent No.2 passed the impugned order dated 16.07.02 terminating the services of the applicant under the provisions of Rule 8 of the G.D.S. (Conduct and Employment) rules 2001 without following any procedure, ^{hence} hence this O.A.

3. We have perused the record and heard the counsel for the parties.

4. Shri R.K. Singh, learned counsel for the applicant has submitted that the action of the respondent No.2 is arbitrary illegal and violative of principles of natural justice. Shri Chandika Prasad, learned counsel for the respondents has argued that the action of the respondent No.2 is correct and the order passed is justified. The applicant is involved in a criminal case and continues to be in the Jail.

5. In our view, the action of the respondent No.2 is not in accordance with the rules. He ought to have given an opportunity to the applicant to defend himself. The impugned order is bad in law as it has been passed without initiating any disciplinary proceedings, ^{hence} hence it is liable to be quashed.

6. In view of the aforesaid, the O.A. is allowed. The impugned order dated 17.07.2002 terminating the services of the applicant, is quashed. The respondent No.2 may pass ^{an} ~~fresh~~ fresh order, if required, in accordance with law. No Costs.


Member (J)


Member (A)

shukla/-