

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

RA/M.A./O.A./T.A./ 103 198⁹⁰

V N Dabhi Applicant (s).

I m Pandya Adv. for the
Petitioner (s).

Versus

Union of India & Co Respondent (s).

vs Bina Adv. for the
Respondent (s).

SR NO.	DATE.	ORDERS,
		Termination (Copy Sent)
12/3		<p>Issue notice to P.A to sign</p> <p>Pending admissions sign</p> <p>RPAD Recd from Resd^a 23 (21/03)</p>



CORAM : Hon'ble Mr. P.H. Trivedi .. Vice Chairman

9.3.1990

Heard Mr. I.M. Pandya, learned advocate for the petitioner. Pending admission. Issue notice on the respondents to reply on admission within 15 days. Registry to post the matter before Division Bench for admission accordingly.

(P H Trivedi)
Vice Chairman

*Mogera

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23.3.90

CORAM: Hon'ble Shri G.Sreedharan Nair, V.C.
Hon'ble Shri M.M.Singh, M(A)

Heard Mr. I.M. Pandya counsel of the applicant as well as Advocate J. Yadav for Mr. J.D. Ajmera on behalf of the respondents. The application is admitted. Considering the nature of ^{the} relief ^{claimed}, we proceed to dispose of the application finally.

2. Heard counsel on either side.

3. The relief that is claimed in this application by the applicant, who was regularly appointed as Extra-Departmental Branch Post Master, Panthawada Branch Office, by the order dated 1.5.1989 is to hold that the order dated 21.2.1990 terminating his services is illegal.

4. One Shri K.N. Paradia was holding the post of Extra-Departmental Branch Post Master, Panthawada Branch Office, whose services were terminated for misconduct. It was accordingly that the applicant was regularly appointed to the post. It is seen that on a petition preferred by the said Paradia before the Director of Postal Services, claiming reinstatement, allowing the prayer, he was directed to be reinstated with effect from 15.1.1990.

5. The question that arises is whether in the circumstances, the services of the applicant, who was regularly appointed to the post, could be terminated. ~~No~~ ^{can be terminated} ~~doubt.~~ Under rule 6 of the Extra-Departmental Agents (Conduct and Service) Rules, the services of an Extra-Departmental Agent, who has not rendered more than three years continuous service, in the administrative exigency, ~~of course~~ ^{of course} when Shri Paradia was directed to be reinstated, he had to be accommodated and it was on that account that the services of the applicant were terminated. Actually, before the final ~~hearing~~ ^{disposal} of the proceedings against Paradia, the respondents should not have regularly appointed the applicant.

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Since they did so, the interests of justice require that the applicant has to be accommodated in a post of Extra-Departmental Branch Post Master, in a vacancy that arises immediately thereafter. Counsel of the applicant submitted that the applicant is prepared to serve in any adjoining area. In the peculiar circumstances of the case, in affording such appointment to the applicant, the respondents shall not insist on the condition of local residence.

6. Subject to the aforesaid direction, the application is closed.

M. M. Singh

(M.M.Singh)
Member (A)

G. Sreedharan Nair
23.3.1991
Vice-Chairman