

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. NO. 455 OF 1992

TAX NO.

DATE OF DECISION 21.12.1994

Janakbhai Nathabhai Patel **Petitioner**

Mr. K.C. Bhatt

Advocate for the Petitioner (s)

Versus

Union of India and ors. **Respondent**

Mr. Akil Kureshi

Advocate for the Respondent (s)

CORAM

The Hon'ble Mr. N.B. Patel, Vice Chairman

The Hon'ble Mr. K. Ramamoorthy, Admn. Member

JUDGMENT

1. Whether Reporters of Local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

No.

Janakbhai Nathabhai Patel,
B.P.M. Ghamiji,
Bahiya 382 308

.. Applicant

(Advocate Mr. K.C. Bhatt)

Versus

1. Union of India through
The Director General
Department of Post
Ministry of Communication,
New Delhi 110 001.
2. The Chief Postmaster General,
Gujarat Circle,
Ahmedabad 380 001.
3. The Supdt. of Post offices,
Gandhinagar Div.
Gandhinagar.
4. Gota ji Chaturji Thakore,
EDA Nandod (Dehgam) at
Kodaravi Post Ghamij
(Bahiya)

.. Respondents

(Advocate Mr. Akil Kureshi)

O.A. No.455 OF 92

Dt. 21.12.1994

ORAL JUDGMENT

Per Hon'ble Mr. N.B. Patel, Vice Chairman

The applicant seeks quashing of the order dated 5.11.1992 (produced at Annexure -A8) passed by the Superintendent of Post Offices, Gandhinagar Division, Gandhinagar pursuant to the order of the Chief Postmaster General, Gujarat Circle, Ahmedabad No. Staff/24-19/Gandhinagar/Corr-I dated 6.10.1992 which the applicant describes as the order by which his appointment as E.D.B.P.M. Ghamij was terminated with effect from 11.11.1992. The applicant states that the said impugned order is wholly void and it should be ^{declared} so and the respondents should be direct

di to reinstate him ⁱⁿ service as E.D.B.P.M. Ghamij with all consequential benefits including back-wages and continuity of service etc.

2. The material facts are not in dispute. They are as follows. The applicant was selected, after holding a regular selection process, as E.D.B.P.M. for village Ghamij and he was intimated about his said selection as also about his appointment as E.D.B.P.M. Ghamij by letter dated 10.1.1992. The selection and the appointment of the applicant were made after all necessary formalities were gone through. He was subjected to medical examination and found fit and he had also furnished what are called pre-appointment papers. The applicant was thus a regular appointee as E.D.B.P.M. Ghamij and he took over charge of the post on 16.1.1992. Suddenly, however, by the impugned order (Annexure-A8) dated 5.11.92, it was stated that the 'present' arrangement of E.D.B.P.M. Ghamij be terminated and further that one Shri G.C. Thakore (Respondent No.4), then working as E.D. Agent at Nandod, be allowed to resume and to continue work as E.D.B.P.M. Ghamij. There is nothing in this order to show that the applicant was posted at any other place. Therefore, this order is rightly treated by the applicant as an order terminating his employment. It is an undisputed fact that since 11.11.1992 the applicant is kept out of job.

3. The question is whether a person, who was regularly selected as E.D.B.P.M. specifically for a particular station, namely, Ghamij ⁱⁿ this case, could have been terminated and somebody else could have been posted vice him. The answer to this question must be an

emphatic no. It was not contended before us that the applicant was even liable to be transferred to any other place when he was selected for the post at Ghamij. The reply filed by the respondents does not contain any valid ground or justification for the impugned action taken, regarding the service of the applicant. We have, therefore, no hesitation in holding that the impugned order terminating the employment of the applicant as E.D.B.P.M. Ghamij is totally void and non-existent. There cannot also be any doubt that the applicant who has suffered grave injustice must be awarded all consequential benefits such as continuity of service and full back-wages. He must also be awarded costs of the present proceedings.

4. In the result, therefore, the application is allowed. The impugned order (Annexure -AB) dated 5.11.92 is hereby quashed and set aside. The respondents are directed to reinstate the applicant as E.D.B.P.M. Ghamij within 4 days of the receipt of a copy of this judgment, with continuity of service and with full back-wages from 11.11.1992 till he is allowed to resume. The respondents shall pay costs of the applicant which are quantified at Rs.750/-. It is made clear that if the applicant is not reinstated within the aforesaid stipulated period, he will be entitled to claim wages regardless of the fact whether he has rendered service to the department or not.

(K. Ramamoorthy)
Member (A)

(N.B. Patel)
Vice Chairman