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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 104 of 1991

Date of Decision : 22.04.1991

Adikanda Sahoo ... Applicant

Versus

Union of India ... Respondents

M/s.Ganeswar Rath, ... For the applicant
P.K.Mohapatra,
A.K.Patnaik,
J.Ch.Sahoo, Advocates

Mr. A.K.Mishra, ... For the respondents
Sr. ~~Standing~~ Counsel
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C O R A M

MR. B.R. PATEL, HON'BLE VICE-CHAIRMAN

A N D

MR. N. SENGUPTA, HON'BLE MEMBER (JUDICIAL)

1. Whether the reporters of local news papers may be allowed to see the judgment ? Yes
2. To be referred to the reporters. or not ? No
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes

(4)

J U D G M E N T

N. SENGUPTA, MEMBER (J), Heard Mr. Ganeswar Rath for the applicant and Mr. A.K.Mishra, Learned Senior Standing Counsel for the respondents.

2. The point of controversy is whether the respondents terminated the services of the applicant without affording him an opportunity of hearing. On hearing Mr. A.K.Mishra, it appears that so far as the basic facts are concerned, there is not much of a dispute. There was a process of selection in which the applicant was provisionally selected and issued an order of appointment. Subsequently another person, who also was one of the candidates, filed an application alleging invalidity of the selection of the applicant. Upon that petition of the other candidate, the Chief Post Master General passed an order directing termination of the appointment of the applicant. Thereafter the Sr. Superintendent of Post Offices, Dhenkanal Division passed an order (Vide Annexure-4) on 27.3.1991 terminating the services of the applicant with immediate effect. Mr. Rath has contended that once the applicant was selected and in pursuance of that selection, he took over charge of the E.D. Branch Post Office, a right accrued to him which could not be taken away without following the principles of natural justice i.e. without hearing him. In this regard he has sought reliance upon a decision of Madras Bench of this Tribunal in the case of B.S.Raj,

*Placed on file
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versus Union of India reported in (1988)-6 ATC 712. There almost a similar question arose and that Bench directed setting aside of the order of termination. In the circumstances we would quash Annexure-4 and would direct the authorities concerned to decide the matter after affording the applicant an opportunity of being heard which would include the making of a representation. The case is accordingly disposed of. No costs.

B.K. Sahoo
22.4.91
VICE-CHAIRMAN



Member (Judicial)
22.4.91
MEMBER (JUDICIAL)

Central Administrative Tribunal
Cuttack Bench, Cuttack

April, 22, 1991/ B.K. Sahoo