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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH.

Original Application No.106 of 1991.

Cuttack, dated the 4th day of October, 1994.

Smt. Malasini Nayak ...

Applicant.

versus

Union of India and others ...

Respondents.

(FOR INSTRUCTIONS)

1. Whether it be referred to the Reporters or not ?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ?


(H. RAJENDRA PRASAD)

MEMBER (ADMINISTRATIVE)

04 OCT 94


(D. P. HIREMATH)

VICE-CHAIRMAN.

(c)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH.

Original Application No. 106 of 1991.

Cuttack, dated the 4th day of October, 1994.

CORAM:

THE HON'BLE MR.JUSTICE D.P.HIREMATH, VICE-CHAIRMAN

A N D

THE HON'BLE MR.H.RAJENDRA PRASAD, MEMBER(ADMN.)

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Smt. Malasini Nayak, aged about 28 years,
wife of Patra Nayak, Ex-Extra-Departmental
Branch Post Master, Ratingia Branch Post
Office in account with Udayagiri Sub Office,
District-Phulbani.

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Applicant.

By Advocates

M/s. Devanand Misra,
Deepak Misra, R. N. Naik,
A. Deo, B. S. Tripathy, P. Panda.

versus

1. Union of India, represented through its
Secretary in the Department of Posts,
Dak Bhawan, New Delhi.
2. Chief Post Master General,
Orissa Circle, Bhubaneswar, Dist. Puri.
3. Superintendent of Post Offices,
Phulbani Division, Phulbani(O)-762001.
4. Sub-Divisional Inspector(P),
Udayagiri Sub-Division, Udayagiri,
District-Phulbani.

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Respondents.

By Advocate Shri Aswini Kumar Misra,
Sr. Standing Counsel(CAT).

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O R D E R

D.P.HIREMATH, V.C., Heard both the learned counsel.

2. The impugned order dated 26.3.1991 reads thus:

"In supersession to this office Memo of even number dated 31.1.91 the services of Smt. Malasini Nayak, Ex BPM, Ratingia B.O. in account with Udayagiri S.O. is hereby ordered to be terminated under provisions of Rule 6 of P & T EDAs (Conduct & Service) Rules, 1964 with immediate effect."

The applicant was appointed as Extra-Departmental Branch Post Master, Ratingia B.O. on 1.8.1990. She joined the post and continued till this order came to be passed and delivered to her. The correctness and legality of this order is under challenge.

3. Though a counter has been filed stating good many reasons as to why the impugned order came to be passed terminating her services, unfortunately the principles of natural justice were not adhered to while passing the impugned order, and she was not given even an opportunity to explain why her services were terminated. On this ground alone the impugned order is ~~bound~~ to be quashed and is hereby quashed. If the applicant has been relieved in pursuance to the ^{being} ~~order~~ ^{impugned}, it is directed that she be reinstated within 7 days from the date of receipt of a copy of this order and copy of this ~~order~~ be made available to counsel for both sides. The applicant is however not entitled to back wages. No costs.

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(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

04 Oct 94

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(D.P.HIREMATH)
VICE-CHAIRMAN