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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH.

Original Application No.107 of 1991.

Cuttack, dated the 4th October, 1994.

Binod Kumar Naik ...

Applicant.

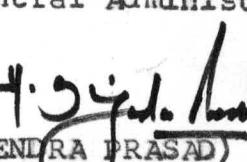
Versus

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.

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH.

Original Application No.107 of 1991.

Cuttack, dated this 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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Binod Kumar Naik, aged about 28 years, son of Binayak Naik, Ex-Extra-Departmental Branch Post Master of Dadapada Branch Post Office in account with Udayagiri Sub Office, District-Phulbani.

By Advocates ... **W/s. Devanand Misra,
Deepak Misra, R.N.Naik,
A.Deo, B.S.Tripathy, P.Panda.** Applicant.

versus

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

Respondents.

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

Q B D E R

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

2. The impugned order reads as follows:

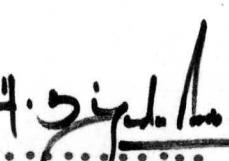
" The services of Sri Binod Kumar Naik, ED BPM, Dadapada B.O. in account with Udayagiri SO is

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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, Dadapada Branch Post Office on 26.6.1989 and he officiated as such till 26.3.1991 when the impugned order came to be passed.

3. Though in the counter reasons for passing such an order have been stated it is patently clear on the face of the order that the order was arbitrary and in utter violation of the principles of natural justice without affording any opportunity to the applicant to defend himself against the proposed order. Apart from other circumstances, on this ground alone the impugned order cannot be sustained and the same is quashed. If the applicant has been relieved in pursuance to the order, it is directed that he 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. He is however not entitled to back wages. No costs.



 (H. RAJENDRA PRASAD)
 MEMBER (ADMINISTRATIVE)

04 OCT 94



 (D.P. HIREMATH)
 VICE-CHAIRMAN

Sarangi.