

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

Original Application No.81 of 1991.

Cuttack, this the 24th day of August, 1994.

Jaya Kumar Parida ...

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)

24 AUG 94


(D.P. HIREMATH)
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH.

Original Application No. 81 of 1991.

Cuttack, this the 24th day of August, 1994.

CORAM:

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

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

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Jayakumar Parida, aged 31 years, son of
Ananda Parida, At/P.O./Vill. Kolidaspur,
P.S. Hinjalicut, Dist. Ganjam.

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Applicant.

By Advocates M/s. S.P. Mohanty,
A.K. Nanda.

Versus

1. Union of India, represented by its Secretary,
Department of Posts, Dak Bhawan, New Delhi.
2. Senior Supdt. of Post Offices, Berhampur
Dist. Ganjam.
3. Director of Postal Services, Berhampur
Region, (Office of P.M.G.).

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Respondents.

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

ORDER

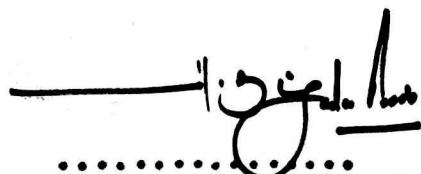
D.P. HIREMATH, V.C., Heard Shri S.P. Mohanty, learned counsel for the applicant and Shri Aswini Kumar Misra, learned Senior Standing Counsel (CAT) for the respondents.

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2. The petitioner herein has challenged the order of the Respondent No. 2 dated 25.2.1991 under which he terminated the services of the petitioner working in the post of Extra-Departmental Branch Post Master, Kolidaspur Branch Post Office, terminating his appointment with

immediate effect. The petitioner was appointed as such on 31.3.1989 and he joined his post on 16.5.1989. Till this order came to be passed he was working in that post. On the very face of it, the order is wholly silent as to why the services were being terminated with immediate effect. It is only in the counter that the respondents have taken a stand that the agricultural income shown by the applicant in his application was not correct and even the income certificate did not disclose the correct fact. In our view, giving reasons in the counter does not amount to giving adequate opportunity to the petitioner in pursuance of the principles of natural justice before his services were terminated. On the very face of it, the order is wholly unsustainable as it violates all norms of principles of natural justice ^{being as it is,} without even issuing any notice with regard to his deficiency they found in income. In that view of the matter, we quash this order dated 25.2.1991, however giving liberty to the respondents to give him an opportunity to explain if anything adverse or deficiency ^r is found in his income ^{certificate} that he has produced therein and thereafter pass suitable orders. Consequently we direct immediate reinstatement of the petitioner in the post to which he was appointed. We also direct that the petitioner is entitled to back wages from the date of his dismissal till the date of his reinstatement and other financial

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as he was ^{prevented} for working by an ~~unwilling~~ ^{unwilling} only,
benefits. With these observations and directions this
application is disposed of.



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(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

24 AUG 94



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(D. P. HIREMATH)
VICE-CHAIRMAN.

Saranghi.