

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 73 of 1992

Cuttack this the 22nd day of November, 1995

Surendra Kishore Bastia ... 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? ↗

Karasimhasahu
(N. SAHU)
MEMBER (ADMINISTRATIVE)

(D.P. HIRE MATH)
VICE CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

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CORAM:

THE HONOURABLE MR. JUSTICE D.P. HIREMATH, VICE CHAIRMAN
AND
THE HONOURABLE MR. N. SAHU, MEMBER (ADMINISTRATIVE)

...

Surendra Kishore Bastia,
aged about 19 years,
son of Sapan Bastia,
Village and PO-Jharalinga,
Via-Astarang, Dist-Puri.

...

Applicant

By the Advocate M/s. Devanand Mishra, Deepak Mishra,
A.Deo, B.S.Tripathy, P.Panda.

Versus

- 1) Union of India represented by
its Secretary, Department of Posts,
Dak Bhawan, New Delhi.
- 2) Chief Postmaster General, Orissa Circle,
At/Po-Bhubaneswar, Dist. Puri.
- 3) Superintendent of Post Offices,
Puri Division, At/Po/Dist-Puri.
- 4) Sub-Divisional Inspector of post Offices,
Nimapara, Sub Division, At/Po-Nimapara,
District-Puri.

... Respondents

By the Advocate Mr. Ashok Kumar Mishra,
Senior Panel Counsel(Central).

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ORDER

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MR.D.P.HIREMATH, VICE-CHAIRMAN : The applicant herein challenges his order of termination dated 17th February, 1992 without assigning any reason and abruptly as per order in Annexure-4. He was appointed as Extra Departmental Delivery Agent on 7.10.1991 and on the same day, he joined the Post of EDDA, Jharalinga. The appointment was made after due selection process. The termination under Rule 6 of the rules governing the Extra Departmental Agents without disclosing the administrative reasons is bad. Rule-6 of the Extra Departmental Agents Rule says who has rendered less than three years of service in the Department, his/her services can be terminated without any notice. But the ground taken now is that the termination of the services of the petitioner was made because the very selection was cancelled. No reasons have been assigned as to why the selection once made was cancelled. In counter-affidavit, some reasons have been given. These reasons were not given ^{by way of} to the notice ^{to} of the petitioner before the services of the petitioner were terminated.

2. In similar cases, we have allowed the applications on the ground that for the want of reasonable opportunity to the petitioner to meet the case of the respondents, the termination order cannot stand. In this instant case as the principles of natural justice ^{was} not adhered to, the order of termination of the petitioner cannot be sustained.

The same is set aside allowing the application.

3. With these observations and directions, the application is allowed. No costs.

Narasimhasahu
(N. SAHU)
MEMBER (ADMINISTRATIVE)

D.P.HIREMATH
(D.P.HIREMATH)
VICE CHAIRMAN