

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 20 OF 1994

Date of decision: 23rd February, 1994.

Shantanu Kumar Samant	...	Applicant
Versus		
Union of India & Others	...	Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? NO
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not?

H. RAJENDRA PRASAD
(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

23 FEB 94

K. P. ACHARYA
(K. P. ACHARYA)
VICE-CHAIRMAN

23/2/94

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 20 of 1994

Date of decision: February 23, 1994

Shantanu Kumar Samant	...	Applicant
Versus		
Union of India & Others	...	Respondents
For the Applicant	...	M/s Deepak Misra, R.N. Naik, A. Deo, B.S. Tripathy, P. Panda, A. Misra, Advocates.
For the Respondents	...	Mr. Ashok Misra, Senior Standing Counsel (Central).

....

CORAM:

THE HONOURABLE MR. K.P. ACHARYA, VICE CHAIRMAN

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

....

JUDGMENT

K.P. ACHARYA, V.C.

This case came up for admission and hearing today. Shorn of unnecessary details, it would suffice to say that the petitioner was appointed on regular basis as Extra Departmental Branch Postmaster of Kalarabanka Branch Post Office and he joined the said post on 8th December, 1992. Thereafter, the case of the petitioner was reviewed and the Chief Postmaster General, Orissa Circle, Bhubaneswar quashed the order of appointment because documents indicate the extent of landed properties owned by the petitioner had not been filed alongwith the application for appointment. The Petitioner moved this Bench to quash the order of termination and this formed subject matter of Original Application No. 303 of 1993 disposed of on July 7, 1993.

Because Principles of natural justice has not been
VN.



complied, we had quashed the termination order and directed reinstatement of the petitioner.

Again after complying ^{with} the judgment passed in O.A. No. 303 of 1993, the services of the petitioner has been dispensed with by passing a termination order of the self same ground. Hence this application has been filed with the aforesaid prayer.

2. In their counter, the Opp. Parties maintained that the petitioner had not filed the gift deed to indicate the extent of landed properties owned by him alongwith ^{the} application and such documents having been obtained ~~acquired~~ after filing of the application by the petitioner, the termination order has been passed and therefore, the case being devoid of merit is liable to be dismissed.

3. We have heard Mr. R. N. Naik learned counsel appearing for the Petitioner and Mr. Ashok Misra learned Senior Standing Counsel (Central).

4. The quantum of income is not disputed. The only point on which Mr. Misra vehemently argued is that alongwith the application, no documents ~~was~~ was filed by the petitioner to indicate the extent of properties acquired or owned by him. The deed of gift on which reliance was placed by the Petitioner, was registered after the application was filed and therefore, rightly the services of the petitioner has been terminated.

There is no dispute relating to the fact that the ^{km}



(6)

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deed of gift has been filed before the order of appointment was issued and therefore, we can safely presume that the competent authority has taken notice of the deed of gift and so also the extent of the landed property owned by the petitioner and the income derived by the petitioner. In such circumstances, we find that the order of termination, contained in Annexure-2 dated 7.1.1994 is nothing but illegal and against all canons of Justice, Equity and Fairplay. Therefore, we do hereby quash the order dated 7th January, 1994 contained in Annexure-2 and direct that the petitioner should continue as Extra Departmental Branch Postmaster of Kalarabanka Post Office.

5. Thus, the application stands allowed leaving the parties to bear their own costs.

MEMBER (ADMINISTRATIVE)
23 FEB 94

Kept on file
23.2.94
VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack/K. Mohanty
23.2.1994.

