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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH: JODHPUR.

O.A. No. 27/1998

Date of Order: 22.4.1998

Kanti Lal Meena s/o Shri Kachrooji r/o Village Sharda, District;  
Udaipur, Ex-ED-MC Packer, Sub Post Office, Sarada, District; Udaipur.

... Applicant

Mr. Vijay Mehta, Counsel for the applicant.

CORAM:

Hon'ble Mr. A.K. Misra, Judicial Member

Hon'ble Mr. Gopal Singh, Administrative Member

ORDER

Per Hon'ble Mr. A.K. Misra

Heard the learned counsel for the applicant.

2. The applicant has come to the Tribunal with the allegation that he was appointed as Extra Departmental Mail Carrier and had taken over the charge on 17.2.1993. The applicant was in service for more than three years, yet his services were terminated with immediate effect by a verbal order dated 18.10.97. Rules do not provide for such termination without any reason. However, during the course of arguments, he has admitted that he has not made any representation against the verbal termination. On going through the rules, we find that as per Rules 16 and as per the instructions of the Director General dated 4th of May, 1965 as reproduced at page No. 37 of Swamy's Service Rules for Extra Departmental Staff, 1995, a review can be requested in the matters of such termination. This is certainly not a case of termination by way of penalty. Therefore, the applicant could have approached the departmental authorities for the said termination. The applicant in this case has not requested for review and straight way had come to the court. No appointment letter has been produced by the applicant, on the ground that no such appointment letter was given to the applicant. There are specific provisions for giving provisional appointment. It is very difficult to believe that no

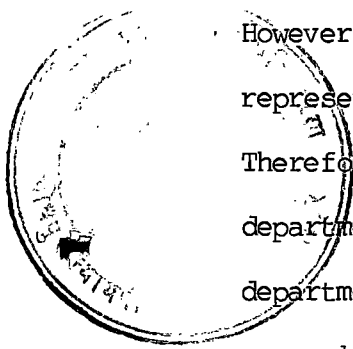


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appointment letter was given to the applicant. The instructions relating to the provisional appointment contain that appointment letter should bear the condition on and terms for which the applicant is appointed provisionally. However, in the instant case, the applicant himself says that he has not represented the concerned authorities about the said verbal termination. Therefore, we observe that now the applicant should represent to the departmental authorities as against his verbal termination and the departmental authorities shall decide the representation of the applicant by a speaking reasoned order within a period of three months from the date of the receipt of the representation from the applicant. The O.A. is, therefore, disposed of at the stage of admission with no order as to costs.



*Gopal Singh*

(Gopal Singh)  
Administrative Member

*A.K. Misra*

(A.K. Misra)  
Judicial Member

**Aviator/**

*Paul W. West*  
*29/9/68*

*Copy of material  
alongwith OP petition  
sent to Regd 173*

*by Regd AD  
Vial n. 172 to 174.*

*alt 04-5-98  
w  
3074/98*

Part II and III destroyed  
in my presence on 21-4-2004  
under the supervision of  
section officer (1) as per  
order dated 22/12/2003



Section officer (Record)

*A.D 12/3  
attached  
n 4/10/04  
set me*