

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No.
A. No.

229

199 2

DATE OF DECISION 14.8.92

E.S. Asokan

Applicant (s)

Mr. M.R. Rajendran Nair

Advocate for the Applicant (s)

Versus

The Sub Divisional Inspector
(Postal), Mundakkayam Sub Division, Respondent (s)
Mundakkayam and another

Mr. N.N. Sugunapalan, SCGSC

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. **P.S. Habeeb Mohamed**, Administrative Member

The Hon'ble Mr. **N. Dharmadan**, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENT

Mr. N. Dharmadan, Judicial Member

Applicant's termination as per order dated 29.1.92 is under challenge in this application filed under section 19 of the Administrative Tribunals' Act, 1985.

2. According to the applicant, he was regularly selected as EDDA, Wembly. While he was continuing in that post, the Sub Divisional Inspector, Mundakayam Sub Division issued impugned order terminating the service of the applicant after notice period. Learned counsel for the applicant submitted that this order is illegal and violative of principles of natural justice and liable to be quashed.

2. Respondents has given an explanation for termination of the service in para 2, but the real reason appears in para 3 of the reply. It is stated that the Director of

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Postal Services, Central Region, Kochi while carrying out vigilance check reviewed the case and PMG has observed as follows:

"In addition to 7 candidates sponsored by the Employment Exchange one local candidate was also irregularly allowed to attend the interview. Smt. P.R. Leelamma who scored the highest marks in the SSLC examination was ignored in the selection on the plea that she does not know cycling. Sri Hari Raveendran who secured the next highest marks was also not considered on the plea that he does not reside in the delivery jurisdiction of the post office. Regarding the rejection of the first candidate, no cycle test was conducted nor was any declaration obtained from her to the effect that she does not know cycling. Regarding the second candidate there is no indication whether he produced ration card or not. Shri E.S. Asokan who scored only 220 marks had been selected to the post. The selection is found irregular."

They further submitted that there was some irregularity in the selection and thereby the appointment is liable to be quashed. Accordingly, they have issued Annexure-I order.


3. Having heard arguments of learned counsel appearing on both sides we are satisfied that the termination of the service of the applicant is pursuant to a complaint and Vigilance Inspection and consequent direction from the PMG. It was not a case of a simple termination after considering the legality of the appointment after giving an opportunity or after hearing the concerned person who has been selected and appointed. The applicant did not get any opportunity to defend his appointment. We are satisfied that there is violation of principles of natural justice and the order Annexure-I is vitiated. In this view of the matter, we are satisfied that the order cannot be sustained and is liable to be quashed. Accordingly, we quash the same. But we make it clear that this judgment will not stand in the way of the respondents taking proper legal action against the applicant by conducting fresh enquiry in accordance with law.

4. The application is allowed to the extent indicated above.

5. There will be no order as to costs.


14.8.92

(N. Dharmadan)
Judicial Member



(P. S. Habeeb Mohamed)
Administrative Member

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