

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

D.A. No. 289 of 1995.

Thursday this the 11th day of July 1996.

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

V.K. Rajamma,
W/o Chellappan,
Vadakke Ayathil,
Areekkara P.O.,
(Extra Departmental
Delivery Agent,
Areekkara Branch Office)

.. Applicant

(By Advocate Shri P. Ramakrishnan)

Vs.

1. The Assistant Superintendent of
Post Offices,
Mavelikkara North Sub Division,
Mavelikkara.

2. The Chief Post Master General,
Kerala Circle,
Trivandrum.

.. Respondents

(By Advocate Shri Bahuleyan for Shri TPM Ibrahim Khan, SCGSC)

The application having been heard on 11th July 1996,
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

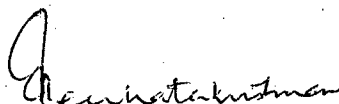
Applicant was regularly appointed as an Extra
Departmental Agent from 11.7.1994 and her services were
terminated five months later, on 30.1.1995 invoking
Rule 6 of the Service Rules for Extra Departmental Staff
in Postal Department. It reads:


" Termination of Services: The services of an
employee who has not already rendered more than
three years' continuous service from the date of

his appointment shall be liable to termination at any time by a notice in writing given either by the employee to the appointing authority or by the appointing authority to the employee:"

2. Respondents admit that applicant was regularly appointed, but their contention is that Rule 6 enables them to terminate services on notice. Unguided and unlimited power will be an anathema in any system, governed by the rule of law. Every power must be exercised for valid reasons and consistent with the mandates of Article 14. The impugned order does not disclose the reason therefor. Whether this rule is unconstitutional or not, we propose not to consider, in the nature of the pleadings. Retaining applicant in service, respondent Chief Postmaster General will examine the propriety of the order of termination within three months from today, pass appropriate orders advising first respondent regarding the proper course of action. Applicant will be informed of the final decision in the matter.
3. We dispose of the application as aforesaid. No costs.

Thursday this the 11th day of July 1996.


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN