

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 397 of 1995

Tuesday, this the 23rd day of July, 1996

CORAM

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. V. Ramarajan,
Extra Departmental Delivery Agent,
Tharuvana Branch Office,
Mananthavadi. .. Applicant

By Advocate Mr. O.V. Radhakrishnan

Versus

1. Sub Divisional Inspector (Postal),
Mananthavady Sub Division,
Mananthavady - 670 645

2. Superintendent of Post Offices,
Thalassery Division, Thalassery.

3. Union of India represented by its Secretary,
Ministry of Communications,
New Delhi. .. Respondents

By Advocate Mr. KS Bahuleyan for Mr. TPM Ibrahim Khan, SCGSC

The application having been heard on 23rd July 1996,
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicant challenges A-9 show cause notice, proposing to terminate his services. He was appointed as Extra Departmental Delivery Agent, Tharuvana on 28-6-1993. Before long by Annexure A-2 order, his services were terminated by the Sub Divisional Inspector of Post Offices on the ground that the Superintendent of Post Offices had asked him to do so. Applicant approached this Tribunal and we quashed the order of termination. The cycle repeated itself, and the impugned A9 show

Y

contd...2

cause notice was issued by the Sub Divisional Inspector. What he did by A-9, was to repeat what he had done earlier, dehors the ostensible command of the superior officer.

2. Learned counsel for applicant submitted that an appointment cannot be revoked without valid reasons and without an express power in that regard. Valid reasons there are none, according to applicant. In answer, respondents would submit that applicant was appointed ignoring the superior claims of others and that a power enures to the authorities under Rule 6 of the P&T ED Agents (Conduct & Service) Rules, 1964 and Rule 163 of the P&T Manual Vol.VIII.
3. Rule 6 confers a power to terminate an appointment by notice. We do not read this, to mean that an unlimited and unguided power can be exercised, without valid reasons. Arbitrary and unguided power is alien to rule of law. Existence of a rule conferring unlimited power cannot justify, arbitrary exercises. Rule 163 makes the Superintendent of Post Offices the administrative supervisor of the Sub Divisional Inspector. Administrative supervision is one thing, and exercise of statutory power is another thing. An administrative superior cannot exercise a statutory power given to a subordinate, unless an appellate or revisional power is conferred on him. Powers are available only by conferment. It is not as if, there are inherent and unlimited powers in a superior officer, to undo what his administrative subordinate does. We are unable to find any power in the nature of an appellate, revisional or reviewing power in the Superintendent of Post Offices enabling him to overturn the exercise of a statutory power made by his

List of Annexures

1. **Annexure A2:** True copy of the memo No. DA/EDSO/2 dated 21.7.93 of the 1st respondent.
2. **Annexure A9:** True copy of the memo No. DA/EDSO/2 dated 23.2.95 of the 1st respondent.

.....