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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
LUCKNOW CIRCUIT BENCH

Registration O.A.No.32 of 1987

Chhatra Dhari Singh ..... Applicant

Versus

Director of Postal Services  
and Others. .... Respondents

Hon.Mr.Justice U.C.Srivastava, V.C.

Hon. Mr.A.B.Gorthi, Member (A)

(By Hon.Mr.Justice U.C.Srivastava,V.C.)

One Shri Vishwa Nath Singh was appointed as Extra Departmental Runner of Daridiha Post Office, Faizabad on 19.2.73 and he took over the charge of the said post on 22.2.73. He died on 3.2.83. Consequently, the post was advertised and the District Employment Officer, Faizabad vide their letter dated 6.8.83 sent the names of two candidates viz. S/Shri Chhatra Dhari Singh (the applicant) and Dal Singar Singh were sent to the Department. The applicant was appointed provisionally as Extra Departmental Runner vide ASPG's Akbarpur letter dated 6.11.83. The applicant continued to work on the said post for 2½ years. ~~When~~ All of a sudden on 1.10.86 he was given an order by the Asstt. Supdt. Akbarpur, Western Sub Division, Akbarpur mentioning that he was posted as EDDA at the Dari Diha Post Office and he should hand over the charge to Shri Nar Singh Narain Singh and was asked to take over the charge as EDDA from one Ghan Shyam Tiwari. The applicant handed over the Charge to Shri Nar Singh Narain Singh on 4.10.86 and took the charge on the same date from Ghan Shyam Tiwari. He was asked by the Asstt. Supdt. Akbarpur not to

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come to the post office to perform the duties.

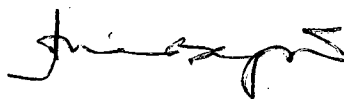
2. In the Counter Affidavit which has been filed by the Department, it has been stated that the written order of termination was passed and the applicant refused to accept. No details of particulars of the alleged order has been given in the Counter Affidavit nor any copy of the same has been filed. It has been stated in the Counter Affidavit that when the said Vishwa Nath Singh died, his son Nar Singh Narain Singh was a minor and his case for appointment was finalised only on 6.10.86 and it was decided that he may be appointed after completing the formalities. Consequently he was appointed and the applicant was ordered to be terminated forthwith. He was given the charge to work on the post of EDDA, Daridiha. This post was fallen vacant due to the death of Shri Yadu Nath Tiwari and his son Ghan Shyam Tiwari was working as a temporary measure. Ghan Shyam Tiwari was discharged from the duty of EDDA accordingly by the Asstt. Supdt. Post Offices, Akbarpur, Faizabad. In the meantime, the SSPO's Faizabad vide his order dated 6.10.86 directed the Asstt. Supdt. of Post Offices, Akbarpur to spare Shri Chhatra Dhari Singh, the applicant and to allow Shri Ghan Shyam Tiwari to continue on the post of EDDA Daridiha and the applicant was spared from the post of EDDA Daridiha vide order dated 7.10.86. The applicant's learned counsel says that without any reason or rhyme his services has been terminated. In case it was decided to appoint the son of the deceased after attaining the qualifying age he should have been

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appointed on some other place. It has been stated that subsequent to the appointment of the applicant some other persons were appointed in some other Divisions but the applicant was selected for being thrown out of the service. No rule in this regard has been cited and no justification for the same has been pleaded. In view of the circumstances stated above, the application is accordingly allowed, but the applicant shall not get any salary for the period of termination. The termination order of the applicant's service from the post of EDDA given by the Asstt. Supdt. Akbarpur is quashed. The respondents are also directed to post the applicant either in that post office or any other such post office in the vicinity if possible. The applicant shall not get his salary for the period from the date his services were terminated but for other purposes this period should be counted. There will be no order as to costs.

  
Member (A)

  
Vice Chairman

Dated the 9th May, 1991.

RKM