

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

O.A.No. 229/91.

Ram Shankar Mishra

Applicant

versus

Union of India & others

Respondents.

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

Hon. Mr. A.B. Gorthi, Adm. Member.

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

As a short question is involved in this case, the case is heard and disposed of finally. Admit.

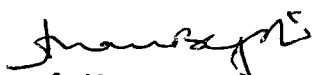
2. The applicant was appointed as Branch Post Master, Aliampur, District Gonda in a clear vacancy vide order dated 13.4.90. Prior to this the names were called for from the Employment Exchange for the post of Branch Post Master. 7 names were received, out of 7 the appointing authority found that serial Nos. 6 and 7 were not local, serial Nos. 4 and 5 were not found suitable, serial No. 3 had no ^uorce of income, serial No. 1 submitted forged certificate of domicile, ^{and} the applicant fulfilled all the conditions and so he was appointed.

3. In the counter affidavit, the respondents have stated that the appointment was liable to be

terminated at any time under rule 6 of Extra Departmental Agents(Conduct & Service) Rules, 1964 and under these provisions the services of the applicant were terminated.

4. Before terminating the services, the applicant was not given opportunity. No opportunity was given to the applicant, therefore, the termination order cannot sustain. The application is allowed and the impugned order of termination dated 4.7.91 is quashed. The applicant will be deemed to be in continuous service but he will not be paid wages from the date of termination upto the date of reinstatement.

5. The Application is disposed of with the above observations, but without any order as to costs.


A.M.


V.C.

Lucknow Dated: 27.1.91

Shakeel/