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CENTRAL ADMINISTRATIVE TRIBUNAL,
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T.A. No.234/92(TL)

T.A. No.312/87

(W.P. 2220/78)

Rajendra Prasad Mishra ::::::: Applicant

Vs.

Union of India & ::::::: Respondents.
Others

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

Hon. Mr. K. Obayya, A.M.

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

In this transfer application which was originally filed in the High Court, in the year 1978, the applicant has prayed for quashing the termination order by which his services as Extra Departmental Branch Post Master has been terminated, though the copy of the same has not been served on him, and he has further prayed that the respondents be directed not to give effect to the same. It appears that one Shri Ambica Prasad, who was working as E.D.B.P.M. was terminated and thereafter the applicant was appointed as E.D.B.P.M. vide order dated 14-11-77 with the stipulation that his services will stand terminated in case the previous incumbent is reinstated.

2. It appears that the previous incumbent was reinstated and the applicant was asked to hand-over the charge, though his termination order has not been served on him.

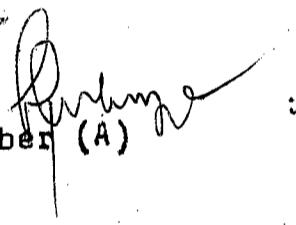
3. According to the applicant he was made to hand over the charge though his termination order has not been served on him. He has challenged the termination order on the ground that the applicant being a regular servant his

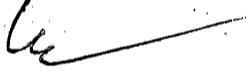
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services should not have been terminated in this manner.

4. In the applicant's appointment order it was clearly mentioned that his appointment was only provisional and that in case his previous incumbent is reinstated, the applicant will have to give way for him. Since the previous incumbent has filed an affidavit that he has been reinstated, the applicant's service automatically stands terminated. From the affidavit filed by the previous incumbent it is clear that he has taken-over the charge. The applicant has no right/continue in the said post as the appointment order was provisional in which it was clearly mentioned that in case the previous incumbent is reinstated, the applicant will have to go out of service. Accordingly the termination order is legally valid and the applicant was to hand-over the charge rightly. With the above observations the application stands disposed of. No order as to the costs.


Member (A)


Vice-Chairman.

Dated: 1st February, 1993, Bucknow.

(tgk)