

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 348 of 91

Gaya Prasad Applicant

Versus

Union of India & Others Respondents

Hon'ble Mr. Justice U.C. Srivastava, VC

Hon'ble Mr. K. Obayya, Member (A)

(By Hon'ble Mr. Justice U.C. Srivastava, VC

In pursuance of advertisement, the applicant also applied for the post of Extra Departmental Mail Peon in Branch Post Office at Kothwal, Sitapur. The applicant was selected and given appointment on 25.5.1990 on the said post; and after 14 months a show cause notice was issued to him on 5.2.91 in which the applicant was asked to explain that whether the applicant was appointed on the post of EDMP(1) through Employment Exchange and (2) whether the applicant is the resident of the same post Office area in which his appointment had been made. The applicant submitted his reply through registered post on 12.2.91 in which he has stated that as the candidates for appointment on the post of EDMP were not available from the Employment Exchange only then, the post was advertised and as regards the applicant being the resident of the same area in which the post Office is situated, a Certificate of Tehsildar Mehmodabad was furnished by the applicant, which shows the residential address of the applicant at the time of his appointment.

2. The main grievance of the applicant is

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that the applicant was given appointment on the said post and after successfully working for about 14 months when there being nothing adverse against the applicant, the services of the applicant cannot be terminated on the ground that the applicant had not submitted his correct residential address, and against which he has approached the tribunal.


3. The counter-affidavit filed by the respondents in which it has been contended that it was found that the applicant Ganga Prasad was permanent resident of village Jagdishpur Tehsil Sidhauri District, Sitapur which does not come within the delivery jurisdiction of Kothawal Branch Post Office, as such, the applicant did not fulfil the requisite residential criteria for appointment, and the applicant was called upon vide show cause notice to intimate the particulars of his permanent residence, but no certificate of residence from Tehsildar, Mahmoodabad had been submitted by the applicant with the reply of show cause notice, and appellate authority held that the appointment was not in order and in accordance with rules, and as such the appointment of the applicant has been terminated and a fresh appointment had been made against the above post. But without making any enquiry the services of the applicant can not be terminated; and accordingly, the respondents will go ahead with the enquiry regarding the domicile of the applicant and the applicant shall also be associated with it. Let it be done within three months from the date of communication of this


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order; and after completion of enquiry, if there is no doubt regarding the domicile of the applicant, the applicant shall be appointed on the said post. The application is disposed of finally in these terms. No order as to cost.


Member (A)


Vice- Chairman

Lucknow Dated 14.9.1992.

(RKA)