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CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 35 of 1992

Sunder Lal Applicant

Versus

Union of India and 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)

The name of the applicant was forwarded by the Employment Exchange along with other candidates for appointment for the post of Extra Departmental ^{Delivery} Branch ^{Agarwal} ~~Postmaster~~ Jamuka District Unnao. Apparently, he was a member of Scheduled Caste. As required, he also moved an application. It appears that thereafter, a selection ^{over the other candidates} took place and the applicant was given preference ^{because} he was a Schedule Caste Candidate and he was duly selected and consequently an appointment letter was issued, in pursuance thereof he has taken the charge on 15.8.1991. Abruptly, it appears that an order of terminating his services was passed without the service with the applicant the applicant has approached the tribunal. As the applicant became aware of the termination order and as such it appears that the application was entertained. More so in view of the facts that the applicant has prayed for quashing of the said order dated 3.2.1992. According to the applicant, this order has been passed by the authorities, who is not competent to do so, also a superior officer may be.

2. The respondents ^{have} justified their action stating therein that it was not specified by the Employment Exchange that the scheduled caste candidates will be

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given preference and the numbers of complaints were made and it was found that the selection of the applicant is irregular and as such in order to meet the end of justice The Director of Postal and Services has ordered for quashing the selection and appointment of fresh selection According to the respondents, in the original requisition to the Employment Exchange, the Assistant Superintendent of Post Offices had offered three options for the residential qualifications , 1. Village Jamuka (2) Unnao, (3) Any other village of Jamuka Branch Office. At the time of appointment, preference was given to the residents of Jamuka ignoring the other candidates. It is because of irregularities, the Director of Postal and Services passed the order. It is true that the order was not passed by appointing authority. The Rule 6 of E.D.A. (Conduct & Service) Rules, 1964 does not give absolute and arbitrary power to the appointing authority to terminate the service without any rhyme or reason. Even if, it could be said that Director could have re-viewed the matter, but no order for termination or cancellation of the appointment, xxxxx can be passed, unless an opportunity of hearing was given to him. As the applicant was duly selected and appointed, without taking his version and without hearing him , his appointment could not have come to end. Accordingly, this application deserves to be allowed and the order dated 3.1.1992 terminating the service of the applicant is quashed. The applicant will be deemed to be continuing in service. However, it will be open for the competent authority to consider the matter regarding regularity of the appointment of the applicant, but that only after giving him an opportunity of hearing. It is only thereafter a necessary order in accordance with law can be passed.

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With these observations, the application of the applicant is disposed of. No order as to costs.



Member (A)



Vice-Chairman

Lucknow Dated: 9.12.1992.

(RKA)