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THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH  
LUCKNOW

O.A. No. 21 of 1990

Girish Kumar Singh ... Applicant

Vs.

Union of India & Others ... Respondents

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

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

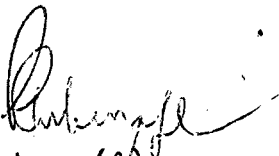
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(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant who was appointed as Extra Departmental Post Master was suddenly removed from service and one Ram Prakash Gupta the respondent who was on work for some time has been appointed. He has challenged this termination by means of this application. It appears that the post of E.D.M.P. cum E.D.D.A. was vacant because of the retirement of the permanent incumbent. The Employment Exchange was asked to sponsor names, accordingly, 8 names was sponsored by the Employment Exchange. After the death of previous incumbent Shri Ram Prakash Gupta regarding whom it is said that he was related to the Superintendent of Post Office, Shri R.D. Gupta<sup>who</sup> has filed a Counter Affidavit in this case was working as a substitute and worked for 8 months. Although it is stated by the respondents that his name was also sponsored by the Employment Exchange but his services were terminated on the ground that he was related to one Shri Siyaram Gupta, who was Branch Post Master of Sandhana. But later on inquiry revealed that he was not related.

From out of these persons whose names were sponsored by the Employment Exchange, the applicant was considered to be better than others and consequently he was appointed. Shri Gupta was appointed as Superintendent of Post Office who has stated that it was not necessary ~~to~~ for him to assign the reasons or issue notice within a period of 3 years to the applicant. The applicant has contended that no enquiry whatever regarding relationship has been made and that from the evidence indicated it is clear that Shri Ram Prakash Gupta was also sponsored from Employment Exchange, but he was not selected. The appointment of the applicant was not cancelled by the Director of Postal Services. The Superintendent of Post Office has no right to terminate the services of regularly appointed employee by this manner in order to give appointment to other persons. In case his appointment would have been cancelled, fresh selection could have been made but the procedure which has been adopted by the Superintendent of Post Office for appointment of Shri Ram Prakash Gupta is against the principles of natural justice. Even if there was some irregularity, the services of the applicant should not have been terminated unless an opportunity of hearing was given to him or the incumbent has been <sup>apprised</sup> ~~appointed~~ of so called irregularity. <sup>u</sup> The order of cancellation/terminating the applicant and the appointment of Shri Ram Prakash Gupta is manifestly illegal and can not be sustained and

accordingly this application is allowed and both the orders are quashed and the applicant shall be restored back in the office and he will be deemed to be continued. However, it is open for the authority to proceed in the manner in accordance with law. No order as to costs.

  
Member (A)

  
Vice Chairman

Lucknow  
Dated 24.6.92