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CBN-LAW & ADVICE AND ADVOCACY

LAW OFFICES - NCR

LUCKNOW

Original Application No. 312 of 1991

Drikha L 1

Applicant

V. 1. 3. 3

Union of India & others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, A.G.M. Member.

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

(L.M. 26/2/1993)
The applicant was appointed as E.D.R.P.M. on 5.12.89 and joined as such on 13.12.89. His services were terminated on 11.2.1991 and the said order is under challenge in this application. According to the applicant, his name was sponsored by the Employment Exchange and he was selected and thereafter the appointment order was issued. He continued as such. His services were terminated. According to the applicant, his services were terminated without opportunity of hearing to the applicant. According to the applicant, Shri Satish Chandra Agnihotri who is son of Postal Overseer of the area, was given the charge in place of the applicant.

2. According to the respondents, the Employment Exchange was asked to sponsor the name of 3 candidates who sponsored 3 names and from amongst the 3, one denied to have applied for the post and to make selection, and the S.D.I. thought it proper to have a list of 3 candidates and the nominees of Employment Exchange

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from open market vide Memo dated 16.10.89. A list of 4 candidates was again received from the Employment Exchange Unnao vide his letter dated 24.10.89 and 13 all the candidates were included in a comparative chart and according to merit the applicant was found to be the most suitable than any other candidate as he was also intermediate. Some complaint was made against him by Shri Ram Mohan Verma and the matter was reviewed and the appointment was found irregular and thus the appointment of the applicant was terminated.

3. As a matter of fact, the applicant was sponsored by the Employment Exchange and he was not amongst those who came from open market. Even otherwise, the applicant having been appointed, after due selection and his merit other than others, his services could not have been terminated. The order of termination dated 11.3.91 is quashed and the applicant will be deemed to continue. In case some one has been given the charge of the post of the applicant, he will be vacated and the applicant will be given the charge. It is open for the respondents to take action against the applicant in accordance with law. No order as to costs.

Pathan
Adm. Member.

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Vice Chairman.

Shakeel/-

Lucknow: Dated 4.1.93.