

(A)  
5

16

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH AT  
LUCKNOW

....

Registration T.A. No. 1066 of 1987 (L)

Krishna Kumar Singh ... Petitioner

versus

Union of India and another ... Respondents

Hon'ble Justice U.C. Srivastava, V.C.

Hon'ble Mr A.B. Gorthi, A.M.

..

(By Hon'ble Justice U.C. Srivastava, V.C.)

This writ petition No. 3551 of 1982 filed in the High Court of Judicature at Allahabad (Lucknow Bench) Lucknow, received on transfer under section 29 of the Administrative Tribunals Act, 1985.

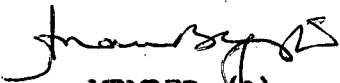
2. Briefly, the facts are that the applicant was appointed as Extra Departmental Sub Post Master in Post Office, Behat Biram District Sitapur on ad-hoc basis as a temporary arrangement vide order dated 26-6-1982. The respondents have cancelled the earlier order dated 26-6-1982, by the impugned order dated 16-7-1982 on the ground that the petitioner was an elected member of Gaon Sabha, as such, he was not eligible for the post on which he was appointed. The petitioner approached the High Court and the High Court on his stay application directed the opposite parties to make fresh selection but they shall not declare the result of the selection and shall not make any appointment on the basis of that selection till further orders of the Court.

3. The main grievance of the applicant is that he was not associated with any such inquiry

A  
6

as such, without giving him any opportunity of hearing, this order has been passed. From the counter affidavit it appears that some Inspector was deputed for the purpose and he made an inquiry and submitted his report in writing, that the applicant should have been associated, as the applicant obviously had no right to ~~xxxxxxx~~ post, in view of the fact the nature of the appointment which was made, but any how <sup>once</sup> his name was declared he should have associated with the inquiry.

Consequently the respondents <sup>are</sup> directed to make an inquiry to find out whether in fact <sup>the applicant</sup> a person ~~who~~ had already filed nomination paper before he had applied for the appointment and whether in fact he had tendered his resignation before the appointment, that has to be seen in the light of applicants' own letter Annexure-A-2 to the writ petition. We are of the view that let an inquiry be made associating ~~with~~ the petitioner and the matter be finalised within a period of two months from the date of communication of a copy of this order. The petition is disposed of finally. We make no order as to costs.

  
MEMBER (A)



VICE CHAIRMAN

(sns)

May 7, 1991.