

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

LUCKNOW

O.A.NO. 486/91

Vijai Kumar Tripathi

Applicant

Shri R.V. Tiwari

Counsel for Applicant.

versus

Union of India & others

Respondents.

Dr. Dinesh Chandra

Counsel for Respondents.

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

Hon. Mr. A.B. Gorthi, Adm. Member.

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

The applicant has approached the Tribunal against the order dated 1.12.91 passed by Sub Divisional Inspector, Post office Faizabad terminating the services of the applicant on the grounds that the order is violative of principles of natural justice and violative of Article 311(2) of the Constitution of India and that no opportunity of hearing was given to him which was a must and could not have been denied on the basis of executive instructions. It appears that on account of resignation of one Shri Mahango Ram, E.D.D.A. on the Employment Exchange was approached to sponsor the three names and not more than five persons for the post of Extra Departmental Delivery Agent. The applicant was engaged to work on 20.3.91 and according to the respondents, in order that work may go on till a regular appointment could be made the applicant was engaged to work as E.D.D.A. Adhara on 20.3.91. The Employment

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Exchange forwarded the names of 5 candidates were sent and the applicant's name did not include in it and only two candidates sent their applications. As the applicants were less than three a notification was issued through public advertisement and 6 candidates including that of the applicant applied. All the above applications were sent to the Mail Overseer for verification and return and they were received duly verified on 18.11.91. Thereafter Senior Superintendent of Police, Faizabad on 15.12.91 was addressed for verification of the character and antecedents of the candidates and the arrangement made earlier was dispensed with resulting in the termination of the service of the applicant vide order dated 1.12.91.

2. The grievance of the applicant is that the applicant's services have been dispensed with in order to provide substitute appointment to some other person and not for that no regular appointment has been made .

3. Facts make it clear that the applicant was appointed in time gap arrangement and vacancy was permanent for which others were appointed in accordance with rules. After failure from the Employment Exchange public notification was issued and the applicant was one of them and police verification was must before appointment and before the receipt of report the applicant's services were terminated.

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4. In case no appointment has been made, the applicant will be appointed and during the period he did not work, he will not be paid wages and he may be treated continuous. The benefit of continuous

*of the applicant due to* working will be given *for consideration* for consideration of his name for *appointment to the post in question anywhere in that delivery circle* ~~the said post within the delivery circle.~~ With these observations the application is disposed of finally.

No order as to costs.

*Shankar*  
A.M.

*VC.*

Lucknow: Dated: 28.5.92.

Shakeel/

O.R.

M.P. 769/92 has been filed by Dr. D. Chandra Counsel for O.P.

S.F.O.

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14/9/92