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CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, LUCKNOW

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Registration O.A. No. 1403 of 1992

Dr. Jesh Kumar Applicant.

Versus

Union of India
and others Respondents.

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

Hon'ble Mr. K. Obayya, Member (A)

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


This application has been filed against the order dated 16.9.1992 through which the services of the applicant were terminated under rule 6 of the Extra Departmental Agents (Conduct & Services) Rules, 1964. As the post of EDMP Tikaria Gauriganj, Sultanpur was fallen vacant due to the death of Nageshwar Prasad Mishra on 31.8.1991 as such, on 10.10.1991 the vacancy was advertised in order to make regular appointment through local employment exchange. It appears that 5 names were sponsored by the Employment Exchange including the name of the applicant. On 14.11.1991, the applicant was informed by the respondents that his name was sponsored by the Employment Exchange, as such, he should submit his application for the same. The applicant has submitted his application on 4.12.1991 along with the documents which were required to the appointment on the said post. The applicant was found suitable by the respondents and it appears that an appointment letter was also issued in

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favour of the applicant provisionally. After some times on the representation of one of the sponsored candidate, the respondents have terminated the services of the applicant without giving him an opportunity of hearing, as such, the termination order of the applicant is in violation of the principle of natural justice .

2. Accordingly, this application is allowed and the termination order dated 16.9.1992 is quashed. It will be open for the respondents to go ahead with the case after giving the applicant an opportunity of hearing. The applicant will be given all the consequential benefits. Let the hearing be concluded within a period of 3 months from the date of receipt of the certified copy of this order. No order as to the costs.


Member (A)


Vice-Chairman

Dated: 31.3.1993

(n.u.)