

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA.

REGISTRATION NO. OA - 96 of 1996

DATE OF ORDER : 7.08.2000

Arbind Kumar Singh, son of late Baban Singh, aged about 28 years, resident of village & P.O. Hariharpur via Mohammadganj, P.S. Bhawnathpur, District- Garhwa.

.....APPLICANT.

By Advocate Shri N.P. Sinha with Shri I.D. Prasad.

Versus

1. Union of India through Director General, Department of Post, Govt. of India, New Delhi -1.
2. The Chief Postmaster General, Bihar Circle, Patna-1.
3. Postmaster General, Southern Region, Ranchi.
4. Director of Postal Services, Southern Region, Ranchi.
5. Superintendent of Post Offices, Palamau Division, Daltonganj.
6. Shri Ramesh Kumar, son of Shri Birendra Singh, aged about 25 years, resident of village and P.O. Hariharpur, P.S. Bhawnathpur, Distt- Garhwa, and , at present EDBPM, Hariharpur P.O. Hariharpur via Mohammadganj, P.S. Bhawnathpur, Distt- Garhwa.

.....RESPONDENTS.

By Advocate Shri V.M.K.Sinha,Sr.Standing Counsel for U.O.I. and Shri S.K. Bariyar for pvt.respondent No. 6.

C O R A M

Hon'ble Mr. Lakshman Jha, Member (J)

Hon'ble Mr. L. Hmingliana, Member (A)

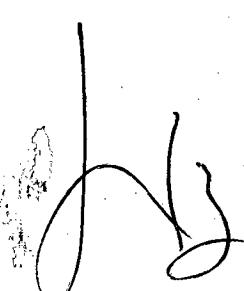
O R D E R

L.Hmingliana, Member (A):-

The applicant was appointed as EDBPM of Hariharpur Branch Post Office in account with Mohammadganj Sub-post Office vide order dated 25.1.1995. But his services were terminated vide order dated 5.9.1995 by

the appointing authority, who is Superintendent of Post Offices, Palamu Division, Daltonganj. His OA is against the order of termination of his services, and it is also against the appointment of respondent No. 6 as the EDBPM in his place.

2. The appointment of the applicant as EDBPM of Hariharpur Branch Post Office was pursuant to the requisition dated 14.11.1994 sent by the Superintendent of Post Offices, Palamu Division to the Employment Exchange, Daltonganj. He was one of the five candidates sponsored by the Employment Exchange, and he was selected and appointed vide order dated 25.1.1995, and he joined on 6.2.1995. The termination of his services vide order dated 5.9.1995 was issued by the Superintendent of Post Offices as per direction given by the Director of Postal Services (South), Ranchi, which is at Annexure -9. The reason given by the Director was that the applicant was not eligible for appointment as he had not produced the necessary documents, as the documents produced by him in support of his claim to have land exclusively in his own name was the photo copy of the gift deed dated 31.8.1994, which was not the valid document, without rent receipt. In the direction given by the Director, it was mentioned that he did not agree that the next eligible candidate, Shri Rakesh Kumar Singh (respondent No. 6) had no valid document relating to the possession of landed property.

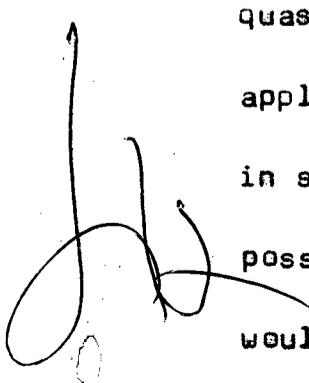


3. The applicant's learned counsel, Shri N.P. Sinha pointed out that the applicant was not given show cause notice before the order of termination of his services was passed, and that he should have been given the opportunity to show that he was in exclusive possession of the land which was gifted to him by his brother. He cited the order of the Full Bench of the Tribunal reported in 1994 36 ATC 539.

4. The learned Sr. Standing Counsel, Shri V.M.K. Sinha argued that the mutation is the proof of actual possession of land.

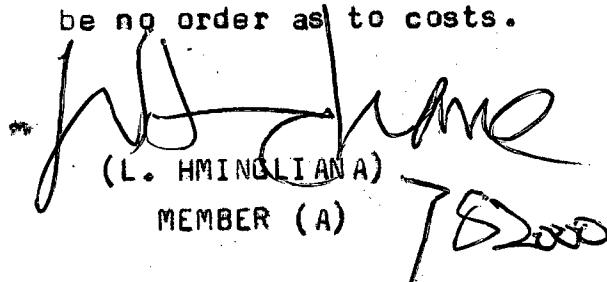
5. No written statement has been filed by respondent No. 6, but his learned counsel, Shri S.K. Bariyar submitted his written argument, and stated that he relied upon the written statement filed on behalf of the official respondents. He contended that the order of the Full Bench cited by Shri N.P. Sinha was about the stigma attached to the termination of services.

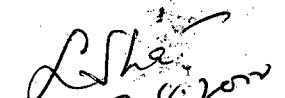
6. The order of the Tribunal dated 12.8.1992 in OA 674/91 has been produced with the OA, which is at Annexure-10. The order of the Tribunal was to quash the cancellation of the appointment of the applicant in that OA, who had submitted the sale deed in support of his claim to have land in his exclusive possession. The order of the Tribunal in that OA would not apply here.



7. It is true that the appointing authority terminated the services of the applicant not on his own, but on the direction given to him by the Director of Postal Services (South), Ranchi. Even then we are satisfied that the appointment of the applicant was invalid, because he had no document in support of his claim to have land in his exclusive possession, except the photo copy of the gift deed, which is not a valid document. It is not his case that he actually produced the gift deed even at the time of verification of documents produced by the candidates. Then, his application has to fail.

8. The application is dismissed. There shall be no order as to costs.

  
(L. HMINGLIANA)  
MEMBER (A) 

  
7.8.2000  
(LAKSHMAN JHA)  
MEMBER (C)

/CBS/