

(8)  
**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**BOMBAY BENCH**

**O.A.79/87 & O.A.269/87**

1. Bhimrao Dadu Gavli,  
Worli BDD Chawl No.93/17,  
Worli,  
Bombay - 400 018.

2. Mangesh Vishnu Kadam,  
6/90, Sai Sadan,  
Saibaba Road, Parel,  
Bombay - 400 012.

.. Applicants in  
O.A.79/87.

vs.

1. Union of India  
through  
Post Master General,  
Maharashtra Circle,  
G.P.O., Bombay - 400 001.

2. Senior Superintendent of  
Post Offices,  
North Division,  
Vile Parle,  
Bombay.

3. Post Master,  
Malad(E)  
Post Office.

.. Respondents in  
O.A.79/87

**O.A.269/87**

1. All India Postal Employees  
Union(Postmen, Class-IV &  
EXAs), Bombay City Branch,  
13, Krishna Kunj, 3rd Floor,  
Gokhale Road(South) Dadar(W),  
Bombay - 400 028.

2. Rajendra Gokul Patil,  
Bhatwadi, College Lane,  
D.C. Babarekar Marg,  
Behind Maya Bldg,  
Dadar(W),  
Bombay - 400 028.

.. Applicants in  
O.A.269/87

vs.

1. Union of India  
through  
The Postmaster General,  
Maharashtra Circle, GPO,  
Bombay - 400 001.

2. Postmasters - Kalbadevi/Jacob  
Circle, Parel, /Andheri(E),  
Andheri(W)/Sewri/Bandra(E)/  
Santacruz(W)/Vile Parle(E)/  
Grant Road/Malabar Hill/  
Cumballa Hill/Ghatkopar(W)/  
Mandvi/General Post Office,  
Bombay.

.. Respondents in  
O.A.269/87

Coram: Hon'ble Shri Justice U.C.Srivastava  
Vice-Chairman.

Hon'ble Shri M.Y.Priolkar, Member(A)

Appearances:

1. Mr.G.G.Adam,  
Asstt.Secretary,  
All India Postal  
Employees Union  
for applicants.
2. Mr.V.M.Bendre  
for Mr.F.M.Pradhan  
for the respondents.

ORAL JUDGMENT:

(Per U.C.Srivastava, Vice-Chairman) Date:12-2-1992

As a common question arises in these two cases, they are being disposed of together. Some of the applicants including the Secretary, All India Postal Employees Union who is one of the applicant in O.A.269/87 is present in person. Heard Mr.V.M.Bendre holding the brief of Mr.P.M. Pradhan for the respondents. O.A.79/87 has been filed by two individuals and the other application has been filed by one individual along with All India Postal Employees Union.

2. These applications are directed against the termination order by which the services of Postmen and other Class IV employees known as outsiders and who have been completed two years of service ~~thru~~ though with breaks were terminated. However, by way of an interim order of the Tribunal they ~~are~~ still continue to hold the posts. From the year 1980, it appears that in the exigencies of situation, the applicants were engaged on daily wages on short term vacancies on account of leave vacancy etc. and as and when vacancies arose they <sup>wee</sup> allowed to continue to ~~to~~ work as such but they were not appointed as regular employees of the department. The recruitment of

Since it is the applicant's contention that at no time he has received a copy of any termination order as explained by the respondents and it is also not possible for the respondents to show us any record / evidence in support of despatch of any termination order or acknowledgement thereof, we feel that at this stage the respondents should proceed afresh against the applicant either for termination in accordance with law or to offer him reappointment to the post as they may deem fit in the circumstances. In case a fresh termination order is issued to the applicant and if the applicant is aggrieved with the order of punishment he is at liberty to approach us again <sup>in</sup> accordance with law.

The application is disposed of accordingly with this direction, which should be implemented latest within three months from the date of receipt of this order. However, we pass no order as to costs.