

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 1057/99 & 1058/99

DATE OF DECISION: 3/4/2000

Shri Dilipkumar Vinayak Patil
Shri Rama Dagdu Lokhande Applicant.

Shri S.P. Inamdar
----- Advocate for
Applicant.

Versus

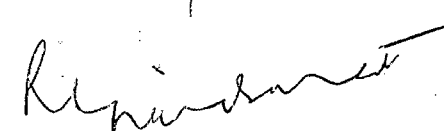
Union of India & 3 Ors.
----- Respondents.

Shri V.S. Masurkar
----- Advocate for
Respondents.

CORAM:

Hon'ble Shri Justice R.G. Vaidyanatha, Vice Chairman.
Hon'ble Shri D.S. Baweja, Member(A).

1. To be referred to the Reporter or not?
2. Whether it needs to be circulated to other Benches of the Tribunal?
3. Library.


(R.G. VAIDYANATHA)
VICE CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH
ORIGINAL APPLICATION NOS:1057/99 &
1058/99.
DATED THE 3RD DAY OF APRIL,2000.

CORAM:HON'BLE SHRI JUSTICE R.G.VAIDYANATHA, VICE CHAIRMAN.
HON'BLE SHRI D.S.BAWEJA, MEMBER(A)

Shri Dilipkumar Vinayak Patil,
Extra Departmental Delivery Agent Group 'D'
At & Post BELDARWADI E.D.B.O.,
Via:-CHALISGAON
(DISTRICT JALGAON)424 101.

... Applicant in OA-
1057/99.

Shri Rama Dagdu Lokhande,
Extra Departmental Delivery Agent Group 'D'
At & Post BELDARWADI E.D.B.O.,
Via:-CHALISGAON
(DISTRICT JALGAON)424 101

... Applicant in OA-
1058/99

By Advocate Shri S.P.Inamdar

V/s.

1. Union of India through
The Chief Post Master General,
Maharashtra Circle,
Mumbai - 400 001.
2. The Post Master General,
Aurangabad Region,
Aurangabad.
3. The Superintendent of Post Offices,
Jalgaon Division,
Jalgaon - 425 001.
4. The Sub Divisional Inspector
of Post Offices,
Chalisgaon Sub Division,
Chalisgaon (Jalgaon-424 101).

... Respondents in both
OA. Nos.1057 & 1058/99

By Advocate Shri V.S.Masurkar

(ORAL) (ORDER)

Per Shri Justice R.G.Vaidyanatha, Vice Chairman.

These are two applications filed by the applicants
challenging the show cause notice issued by the fourth

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respondent. Respondents have filed reply opposing both the applications. We have heard both Shri S.P.Inamdar, counsel for applicant and Shri V.S.Masurkar, learned counsel for respondents regarding admission of the OAs.

2. Both the applicants came to be regularly appointed as Extra Departmental Delivery Agents of the respective places. Subsequently, the higher officers appears to have noticed certain irregularities in this appointment. Then the concerned Sub Divisional Inspector in Jalgaon Division has issued the impugned show cause notices dated 8/12/99 informing the applicants that certain irregularities have been noticed and they have been called upon to give their representations if so desired. Both the applicants after appearing before the concerned officer, have filed the present two OAs challenging the action of the Competent Authority. This Tribunal has granted Interim Order dated 21/12/99 directing the respondents to maintain statusquo of the present post of the applicants as on that date for a period of 14 days and this order has been extended from time to time.

3. Respondents in their reply have justified the show cause notice and they have pointed out certain irregularities alleged to have taken place in the appointment of the applicants.

4. Learned counsel for the applicant pointed out that the impugned show cause notice is not a show cause notice in the eye of law since it does not give any particulars of irregularities.

In our view, the Competent Authority has to pass an appropriate order after hearing the applicants, but the applicants must be told about the irregularities. The

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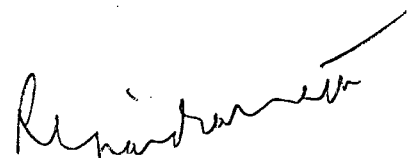


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respondents have mentioned the details regarding the irregularities in their written statement in case of both the applicants. We now give liberty to the applicants to give a detailed reply to the Sub Divisional Inspector with reference to the allegations mentioned in the written statement. We also direct the Superintendent of Post Offices, Jalgaon to give personal hearing to both applicants and consider their detailed representation and then pass detailed orders according to law. In case any adverse order is passed, the applicants can challenge the same according to law.

5. In the result, both the OAs are disposed of at the Admission Stage. The applicants are given liberty to file detailed representations to meet the alleged irregularities within six weeks from today. After receiving the detailed representation, the Superintendent of Post Offices shall fix a date by giving 15 days notices to applicants to appear before him for personal hearing, then the Superintendent of Post Offices may pass whatever order he deems fit according to law. Till the Competent Authority passes any such order, the status quo of the applicants as on today shall be maintained by the respondents. All contentions on merits are left open. In the circumstances of the case, there will be no orders as to costs.


(D.S. BAWEJA)
MEMBER(A)


(R.G. VAIDYANATHA)
VICE CHAIRMAN

abp