

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, CAMP AT AURANGABAD.

ORIGINAL APPLICATION NO. 672/2000.

Wednesday, this the 5th day of December, 2001

Hon'ble Shri S.R.Adige, Vice-Chairman (A),  
Hon'ble Shri S.L.Jain, Member (J).

R.A.Shaikh,  
At P.O. Belvandi,  
Tal. Shrigonda,  
District - Ahmednagar - 413 702.  
(By Advocate Shri S.P.Kulkarni)

v.

1. Union of India through  
Postmaster General,  
Pune Region, Near C.T.O.,  
At P.O. Pune - 411 001.
2. The Assistant Superintendent of Post  
Offices, Pune City West Division,  
(T.S.O. - I),  
At P.O. Shivajinagar (Pune),  
P.O. Pune - 411 005.
3. The Senior Superintendent of  
Post Offices, Ahmednagar Division,  
At P.O. Ahmednagar - 414 001.  
(By Advocate Shri V.S.Masurkar)

...Respondents.

: O R D E R (ORAL) :

By S.R.Adige, Vice-Chairman (A).

Applicant impugns Respondents orders dt. 9.12.1998  
(Annexure - A) and dt. 21.11.1998 (Annexure - B).

2. Applicant who was working as Extra Departmental Agent at  
Belvandi Sub Post Office, District Ahmednagar appeared for  
examination for promotion to Postman cadre held at Ahmednagar on  
7.6.1998. Applicant was provisionally appointed vide letter dt.  
13.9.1998 (Annexure - F). Respondents contend that upon scrutiny  
of the examination results, it was revealed that applicant had  
secured only 20 marks in paper - III, whereas 23 marks were

...2.

required to be secured by him for qualifying in the examination. The applicant had, thus erroneously been declared <sup>successful</sup> and allotted as surplus candidate to Pune City, West Division on 13.8.1998 and was appointed as Postman vide order dt. 13.9.1998 and worked as such w.e.f. 3.10.1998 ~~and worked as such w.e.f. 3.10.1998~~. When it came to light that applicant was not eligible for initial recruitment to the Postman cadre, his services were terminated on 21.11.1998 (Annexure - B).

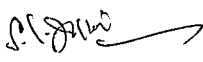
3. The main ground advanced by Shri Kulkarni is that before applicant's services were terminated by the impugned orders, he should have been given a show cause notice and a reasonable opportunity of being heard, and thus the impugned orders have been issued in violation of the principles of natural justice.

4. We have considered this matter carefully.

5. Normally, while a show cause notice should be given in such cases, before the services are terminated, in the present case Respondents contention that applicant was not eligible for initial recruitment to the Postman cadre, not having secured the minimum marks required in paper - III has not been denied by the applicant by way of any Rejoinder.

6. When applicant was not eligible for initial recruitment to the Postman cadre, it cannot be said that there would have been any difference, even if a show cause notice had been issued to applicant, because the result would have been the same, viz. that applicant was not entitled to appointment in Postman cadre.

7. In the light of the foregoing, we are not inclined to interfere in this OA, which is accordingly dismissed. No costs.

  
(S.L.JAIN)  
MEMBER (J)

  
(S.R.ADIGE)  
VICE-CHAIRMAN (A)