

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 20 SEP 1988

APPLICATION NO.

1018

/88(F)

W.P. NO.

Applicant(s)

Shri M. Srinivasa

Respondent(s)

V/s

The Asst. Supdt. of Post Offices, Doddaballapur  
Sub-Division, Doddaballapur & another

To

1. Shri M. Srinivasa  
S/o Shri Minivenkatappa  
Fort Street  
Basaveswara Nilaya  
Vijayapura  
Doddaballapur Taluk
2. Shri M. Madhusudan  
Advocate  
1074-1075, Banashankari I Stage  
Sreenivasanagar II Phase  
Bangalore - 560 050
3. The Assistant Superintendent  
of Post Offices  
Doddaballapur Sub-Division  
Doddaballapur

4. Shri D. Kempanna  
S/o Shri Doddamunivenkatappa  
Vijayapura Post Office  
Chennapatna Taluk
5. Shri M. Vasudeva Rao  
Central Govt. Sng Counsel  
High Court Building  
Bangalore - 560 001
6. Shri C.N. Bhakthavatsalu  
Advocate  
No. 28, Raja Snow Buildings  
Seshadripuram  
Bangalore - 560 020

Recd 2 Two copies.  
for respondent.  
ASIS Lc.  
PMG'S Office  
20-9-88

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~copy of order~~ passed by this Tribunal in the above said application(s) on 9-9-88.

Issued  
K. R. R. R.  
20-9-88  
Encl : As above

for DEPUTY REGISTRAR  
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 9th DAY OF SEPTEMBER 1988

Present : Hon'ble Justice Sri K.S.Puttaswamy Vice Chairman

Hon'ble Sri L.H.A.Rayo Member (A)

APPLICATION No.1018/88

M.Srinivasa,  
S/o.Munivenkatappa,  
Fort Street,  
Basaveswara Nilaya,  
Vijayapura,  
Doddaballapur Taluk. ... Applicant

( Sri M.R.Achar & Sri M.Madhusudan ... Advocate )

vs.

1. Assistant Superintendent  
of Post Offices, Doddaballapur Sub-Division,  
Doddaballapur.
  2. D.Kempanna,  
S/o Doddamunivenkatappa,  
Vijayapura Post Office,  
Chennapatna Taluk. ... Respondents
- ( Sri M.Vasudeva Rao ... Advocate )

This application having come up before the  
Tribunal today, Hon'ble Vice Chairman made the following :

O R D E R

In this application made under Section 19 of  
the Administrative Tribunals Act, 1985 the applicant has  
challenged Memo dated 14.4.1988 (Annexure C) made by the  
Sub-Divisional Inspector, Doddaballapur Division(Inspector).

2. In response to the relevant notification  
issued by the Inspector, calling for application for the  
vacant post of Extra Departmental Delivery Agent (EDDA)  
attached to the Vijayapura Post Office, the applicant,  
Respondent No.2 and nine others applied for selection.



On an evaluation of their merits the Inspector selected the applicant and appointed him as EDDA on 15.10.1987 (Annexure B) on a temporary basis from 16.10.1987. In pursuance of the same, the applicant reported for duty and was working from 16.10.1987.

3. But as a bolt from the blue the Inspector by his Memo dated 14.4.1988 (Annexure C) has appointed R-2 as EDDA of Vijayapura Post Office in the place of the applicant. Hence this application.

4. In justification of the impugned order R-1 has filed his reply and has produced the records. R-2 has supported R-1.

5. Sri M. Madhusudan, learned counsel for the applicant contends that in the impugned order the Inspector had really terminated the applicant's service without a cause and even if there was a cause then without affording him an opportunity of hearing to state his case in contravention of the principles of natural justice.

6. Sri M. Vasudeva Rao, learned Additional standing counsel appearing for R-1 in supporting the impugned order contends that the applicant was not a resident of the village which is one of the essential qualification for appointment as an EDDA and that R-2, a member of a scheduled caste was a resident of a nearby village, had been rightly appointed to the post and that even if there was any irregularity in what had been done by the Inspector, then also this Tribunal should decline

to interfere with the impugned order.

7. Sri C.N.Bhaktavatsalu, learned counsel for R-2 adopting the arguments of Sri Rao urges that this is a fit case in which this Tribunal should decline to interfere with the appointment of R-2 who is working from 21.4.1988.

8. We have earlier noticed that in the selection made, the applicant had been selected and had been appointed to the post on a temporary basis and he was also working from 16.10.1987.

9. In the impugned order, the Inspector has appointed R-2 to the very post held by the applicant without however expressly terminating the services of the <sup>LA</sup>later. From this it necessarily follows that the Inspector had terminated the services of the applicant and had appointed R-2 in his place.

10. In his reply R-1 has stated that the termination of the applicant was necessitated for the reason that he was not a resident of Vijayapura as asserted by him and that he was a resident of Soma-thanahalli village situated beyond 20 kms from Vijayapura. Even the records produced by R-1 only supports <sup>LA</sup>this reason. From this it follows that the termination of the applicant was for a cause.

11. Whenever the services of a person appointed either on a temporary or a permanent basis calls for his removal for a cause it is well-settled that such person should be afforded an opportunity of hearing to



state his case and the same determined to enable him to challenge the same in appropriate legal proceedings. We find that this basic principle had not been adhered to by the Inspector in terminating the services of the applicant. On this short ground, we must necessarily interfere with the impugned order reserving liberty to the authorities to hold an inquiry into the truth or otherwise of the cause and make a fresh order.

12. Evidently on receipt of the impugned order, the applicant has been displaced and R-2 has reported for duty in his place and is now working. On the view we have expressed we must necessarily now displace R-2 and induct the applicant in his place. But for doing so, we consider it proper to grant time till 30.9.1988.

13. We are compelled to interfere with the appointment of R-2 as we have found that the termination of the applicant is illegal. But till a fresh inquiry is held whether R-2 can be accommodated temporarily in any other nearby place is a matter for the department to examine and decide.

14. In the light of our above discussion we make the following orders and directions :-

- i) We quash the impugned order;
- ii) We grant time to R-1 to induct the applicant to the post he held at vijayapura not later than 1.10.1988 necessarily displacing R-2 from that post. But this order does not prevent R-1 or any other competent authority to hold an inquiry into the truth or otherwise of the cause against the applicant and make a fresh order in accordance with law.

15. Application is disposed of in the above terms. But in the circumstances of the case, we direct the parties to bear their own costs.

Sd/-  
VICE CHAIRMAN *AKP*

Sd/-  
MEMBER (A) *1/9-10-1988*

an.

TRUE COPY



*for* *Hoe* *20/9*  
DEPUTY REGISTRAR (JDL)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE