

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 1062/98

Date of Decision: 29.1.1999

Mrs. Sunita Kailas Patil Petitioner/s

Shri S.P.Kulkarni. Advocate for the
Petitioner/s.

v/s.

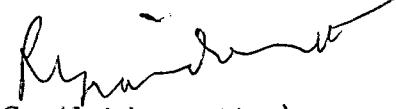
Union of India and others Respondent/s

Shri V.S.Masurkar Advocate for the
Respondent/s

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?


(R.G. Vaidyanatha)
Vice Chairman

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH 'GULESTAN' BUILDING NO:6
PRESCOT ROAD, BOMBAY:1

Original Application No. 1062/98

Friday the 29th day of January 1999.

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

Sunita Kailas Patil
Residing at
Quarter No.56
Police Training College
Campus, District,
Nashik.

... Applicant.

By Advocate Shri S.P.Kulkarni.

V/s.

Union of India through
Postmaster General
Aurangabad Region,
At P.O. Aurangabad.

Senior Superintendent of
Post Offices, Nashik Postal
Division, At P.O. Nashik.

The Assistant Superintendent
of Post Offices, West
Sub-Division, Office of
Senior Superintendent of
Post Offices, Nashik Division,
At P.O. Nashik.

... Respondents.

By Advocate Shri V.S. Masurkar.

O R D E R (ORAL)

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

In this O.A. the applicant is challenging
the order of termination dated 9.12.1998 on several
grounds. The respondents have filed reply opposing
the application. We have heard the learned counsel
for both sides.

2. The applicant was regularly appointed as
Extra Departmental Branch Postmaster on 18.7.1996.
Now his services have been terminated by the
impugned order dated 9.12.1998.

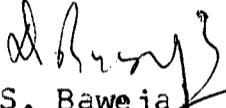
We are not going into the facts of the case since this case is covered by identical order passed by this Tribunal dated 14.12.1998 in O.A. 867/98 and two other cases. In that order we have mentioned that the action of the administration in terminating the services of the applicants without issuing show cause notice is in violation of principles of natural justice and the order came to be quashed. Liberty was given to the respondents to issue show cause notice and pass appropriate orders according to law. This order directly applies to the facts of this case. Hence without going to the ~~full~~^{all} aspects in detail and following the order dated 14.12.1998, even in this case the order of termination is liable to be quashed since it is in violation of principles of natural justice and also in violation of departmental circular dated 13.11.1997.

3. It is brought to our notice that though the applicant's services has been terminated, he has now been engaged as Extra Departmental Branch Postmaster. Since we are quashing the order of termination, we feel that the applicant's services as on today should be continued till the department passes a final order after issue of the show cause notice.

4. In the result the application is allowed. The impugned order dated 9.12.1998 is hereby quashed. This order is without prejudice to the rights of the respondents to issue proper show cause notice to the applicants in terms of departmental circular dated 13.11.1997, mentioning the grounds on which the appointment of the applicant is sought to be cancelled.

: 3 :

Then it is open to the applicant to give representation to the show cause notice. Then the Competant authority, after giving personal hearing to the applicant, pass appropriate speaking order according to law. This order is without prejudice to the rights of both sides on merits of the rival contentions made out in the pleadings. The applicant who is now in service is entitled to continue in service till such order that may be passed by the Competant Authority as mentioned above. In the circumstances of the case there will be no order as to costs.


(D.S. Bawej)
Member (A)


(R.G. Vaidyanatha)
Vice Chairman

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