

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI
GhazabO.A. No. 555/87 198
T.A. No.

DATE OF DECISION 16/10/87

Petitioner

Advocate for the Petitioner(s)

Versus

Respondent

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr.

B. N. Jagannatha, C.R.

The Hon'ble Mr.

D. Surya Rao, M.R.J.

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

b/w
(B.R.)D
(DSR)

20

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A.NO. 555 of 1987

Date of Order: 16/10/1989

M.Sankaraiah

.. Applicant

and

The Superintendent of Post
Offices, Peddapalli division,
and another

.. Respondents

For Applicant: Mrs.P.Vimala Devi

For Respondents: J.Ashok Kumar, SC for Postal

C O R A M:

HON'BLE SHRI B.N.JAYASIMHA: MICE CHAIRMAN

HON'BLE SHRI D.SURYA RAO : MEMBER(J)

(Judgment of the Bench delivered by Shri D.Surya Rao,
Member (Judicial)

.....

1. The applicant herein was appointed as Short Duty Postal Assistant in June 1981 after completion of the training. While working as such, the 1st respondent informed him through the impugned memo no. SP/CON/MS/83 dated 9-6-1983 that his name was deleted from the list of selected candidates for the 1st half year 1981 recruitment in Peddapalli division. The applicant submitted a representation in June 1987. He received a communication from the 1st respondent vide memo no.B1-81/1/17, dated 5-6-1987, informing him that the 2nd respondent had intimated that he does not find any reason to intervene in the decision already taken by the 1st respondent in deleting the name of the

0

contd...2

applicant from the list of the selected candidates. The applicant has thereupon filed this application questioning the termination on the ground that the termination is punitive in nature and no opportunity has been given to him before passing the impugned order. The order of the appellate authority is also questioned on the ground that it is not a speaking order.

2. We have heard Shri J.Ashok Kumar, Standing Counsel for the Postal who has also placed before us the relevant records.

3. The records produced disclose that the deletion of the name of the applicant was on the basis of ^{an} adverse police report which is to the effect that the applicant was arrested vide case in Cr.No.9/79 under section 290, 294, 504, 186 IPC of Manthani PS, which resulted in his acquittal, that the applicant continues to be a sympathiser of the CPI-ML (People's War group), and therefore not fit for continuing in Government service. ^{relating to past political sympathies} The matter has been considered by the Supreme Court in the decision reported in 1983(1) SLJ 392 (State of Madhya Pradesh Vs. Ramashanker Raghuvanshi and another). The Supreme Court held that 'it offends the Fundamental Rights guaranteed by Arts. 14 and 16 of the Constitution to deny employment to an individual because of his past political affinities, unless such affinities are considered likely to affect the integrity and efficiency of the individual's service'. The Supreme Court further held that ~~unless if~~ ^{even} after entry into Government service, a person ~~may~~ engage himself in political activities, that could be ground for termination.' It was however, held that 'he

To

1. The Superintendent of Post Offices,
Peddapalli Division, Peddapalli-505 172,
Karimnagar Dt.
2. The Post Master General, A.P.Circle,
Hyderabad, A.P. 500 001.
3. One copy to Mrs. P.Vimala Devi, Advocate,
H.No.4-7-484, Isamiah Bazar, Hyderabad-500 027.
4. One copy to Mr.J.Ashok Kumar, S.C. for Postal, Hyderabad.
5. One spare copy.

45/2
3/1/0

Dr. J.
1910

...3...

cannot be turned back at the very threshold on the ground of his past political activities'. In the present case before us, the applicant is a young man of about 29 years of age. The police report discloses that ^{at the age of about 19 or 20 years,} he took part in some political activities long before his joining service, wherein he is alleged to have criticised police activities. This resulted in a criminal prosecution wherein he was acquitted by the Criminal Court. Thereafter, he was selected as a Reserved Training Pool Postal Assistant. The Police report does not allege or attribute to him any political activity after his selection and appointment as a RTP candidate. To deprive him of the benefits of selection merely on the past political activities, would be clearly illegal and contrary to the dicta laid down by the Supreme Court in Raghuvanshi's case cited above. ~~whether due to~~
 Let the applicant be restored as RTP Postal Assistant and if any of his junior has been absorbed as a regular RTP Postal Assistant, the applicant shall be ~~entitled to~~ ^{absorbed as} ~~absorption~~ a ^{Postal Assistant} in the next vacancy available. He will also be entitled to the benefits of the seniority vis-a-vis his junior who has been regularised.

4. In the result, the application is allowed with the above directions. No costs.

B.N.Jayashimha
 (B.N.JAYASIMHA)

Vice-Chairman

D. Surya Rao
 (D.SURYA RAO)
 Member (Jud1.)

Dt. 16th October, 1989.

SOH*

.....

11/31/1989
 Deputy Registrar (A)