

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHIO.A. No. 959/89
T.A.-No.

198

DATE OF DECISION 8.6.1992

Smt. B.Nirmala Petitioner

Mr. K.S.R. Anjaneyulu Advocate for the Petitioner(s)

The Secretary to Govt., Dept., of
Posts, New Delhi and 4 others. Respondent

Mr. N.V. Ramana Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. A.B.GORTHI, MEMBER (ADMN.)

The Hon'ble Mr. T.CHANDRASEKHARA REDDY, MEMBER (JUD L.)

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?

MGIPRRND-12 CAT/86-3-12-86-15,000

Jaggs
(HABG)
M(A)T.C.R.S
(HTCSR)
M(J)

(26)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.959/89

Date of Order: 8.6.1992

BETWEEN :

B.Nirmala .. Applicant.

A N D

Union of India rep. by :

1. The Secretary to Govt.,
Dept. of Posts, New Delhi.
2. The Director of Postal Services,
Kurnool.
3. The Superintendent of Post
Offices, Hindupur.
4. The Sub Divisional Inspector
(Postal), Madakasira.
5. Shri E.Lakshminarasimhappa,
EDBPM Yerrabommanahalli
A/w Madakasira, SO,
Ananthapur District.

.. Respondents.

Counsel for the Applicant .. Mr. K.S.R.Anganeyulu

Counsel for the Respondents .. Mr.V.Rajeswara Rao for

Mr. N.V.Ramana, Addl.CGSC

CORAM:

HON'BLE SHRI A.B.GORTHI, MEMBER (ADMN.)

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

(Order of the Division Bench is delivered by
Hon'ble Shri A.B.Gorthi, Member (Admn.)).

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By means of this application under Section 19 of the Administrative Tribunals Act 1985, Smt. B. Nirmala has questioned the legal validity of the appointment of Sri E. Lakshminarasimhappa (Respondent No. 5) as EDBPM Yerrabommanahalli and has prayed that she be declared as having been regularly appointed to the said post.

2. The post of Extra Departmental Branch Post Master (EDBPM) Yerrabommanahalli fell vacant w.e.f. 30.6.1986. Respondent No. 5 was appointed to discharge the said duties and he continued to do so till 31.3.1988. In the meantime a regular notification was issued calling for applications from candidates for the said post. In the response to the said notification, the applicant along with six other candidates applied for the said post. The applicant was selected and was appointed vide ^{order} notification dated 25.5.1988 issued by the Superintendent of Post Offices, Hindupur (Respondent No. 3). The applicant claims that she had ^{ed} work satisfactorily in the said post till 7.5.1989, when all of a sudden her services were terminated without any written order. She was ordered to handover charge of her post ^{which} (Respondent No. 5), ~~who~~ she did on 8.5.1989. 2

3. The respondents, while admitting the essential facts of the case, have contended that although the applicant was found eligible during the selection and was appointed as EDBPM, Yerrabommanahalli, the said appointment was only provisional in nature. There were also several complaints against the functioning of the applicant. The allegation was that she was not allowing Scheduled Caste persons to enter the Post Office. Moreover her husband was working in a far away place in East Godavari District and she has to leave the Village one day or other. It seems that

(28)

that the gram Panchayat also passed a resolution to the effect that she should not be allowed to function as EDBPM.

4. From the record we find that notices have been served upon the 5th respondent, but he has not chosen to appear either in person or through any Advocate before us to represent his case. We, therefore, presume that he ^{is} not interested in this OA.

5. In view of the facts and circumstances of the case as afores-stated the short question for our determination is whether the termination of services of the applicant is legally in order. Although the respondents have strongly contended that her appointment has provisional in nature and could be terminated without any notice, the fact remains that she was duly selected for appointment ~~when after~~ she had applied for the post of EDBPM in response to a regular notification. It was only after her selection that she was appointed to the post, although the appointment order itself states that the appointment was provisional in nature. Notwithstanding the phraseology used in the appointment order, it is apparent that the applicant was appointed after a proper selection. The respondents have admitted in the counter that although respondent No.3 found applicant eligible in all respects to be appointed as EDBPM it was his successor in office who found that the work of the applicant was not satisfactory. He accordingly decided to terminate the services of the applicant and give appointment to respondent No.5. Even if there is some truth in the allegations and complaints against the functioning of the applicant, principles of natural Justice demands that the complaints and allegations be inquired into giving adequate opportunity to the applicant to

Copy to :-

1. The Secretary to Govt., Department of Posts, Union of India, New Delhi.
2. The Director of Postal Services, Kurnool.
3. The Superintendent of Post Offices, Hindupur.
4. The Sub Divisional Inspector (Postal), Madakasira.
5. Sri. E.Lakshminarasimhappa, EDBPM Yerrabommanahalli, A/W Madakasira, SO, Ananthapur District.
6. One copy to Sri. K.S.R. Anjaneyulu, advocate, CAT, Hyd.
7. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
8. One copy to Hon'ble Mr. A.B.Gerthi, Administrative Member, CAT, Allahabad Bench, Camp at Hyd-Bench.
9. One copy to Hon'ble Mr. T.Chandrasekhar Reddy, Judicial Member, CAT, Hyd.
10. One spare copy.

27th Oct
2002

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.. 4 ..

to submit her explanation/defence. The failure of the respondents to follow the said procedure would certainly violate Article 16 of the Constitution of India. The oral termination order passed against the applicant.

Under these circumstances the respondents' decision to terminate the services of the applicant without any written order is illegal. Consequently the respondents' action to appoint respondent No.5 also cannot be sustained as valid.

6. In the result, the application is allowed.

Respondents 1 to 4 are directed to reinstate the applicant in service as EDBPM of Yerrabommanahalli as expeditiously as possible and in any case not later than 1.7.92, from which date she will be entitled to pay and allowances. We further make it clear that the applicant will not be paid any backwages for the period from the date of her termination of service to the date of her reinstatement.

There shall be no order as to costs.

A. B. Gorthi
(A. B. GORTHI)

Member (Admn.)

T. Chandrasekhara Reddy

(T. CHANDRASEKHARA REDDY)

Member (Judl.)

Dated: 8th June, 1992

(Dictated in the Open Court)

ST/692
Dy. Registrar (Judl.)

sd

Contd. 5/

16/6/92 V.R.G.B.W.T.
O.A. 959/82

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

V.R.G.B.W.T

THE HON'BLE MR. A-B-C-G-S-M-A-A-P-B

AND

THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY:
MEMBER(JUDL)

AND

THE HON'BLE MR. C.J. ROY : MEMBER(JUDL)

Dated: 8/6/1992. ✓

ORDER / JUDGMENT ✓

R.A./C.A./M.A. No.

O.A. No.

959/82 ✓

T.A. No.

(W.P. No.)

Admitted and interim directions
issued

✓ Or Allowance

Disposed of with directions

Dismissed

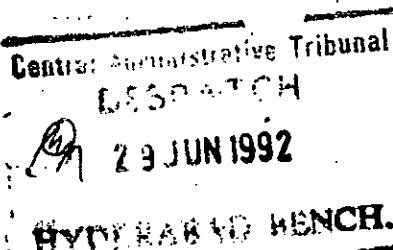
Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/Rejected.

✓ NO order as to costs.

pvm.



17/6/92