

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.574/90.

Date of Order:12-6-1991.

R.Mohan Reddy

....Applicant

Vs.

1. The Sub-Divisional Inspector (Postal),
Jogipet Sub Division, Jogipet-502270,
Medak District.
2. Superintendent of Post Offices,
Sangareddy Division.
3. Post Master General, Hyderabad Region,
Hyderabad-1.

.....Respondents

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Counsel for the Applicant : Shri S.Rama Krishna Rao

Counsel for the Respondents : Shri Naram Bhaskar Rao, Addl.CGSC

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CORAM:

THE HON'BLE SHRI B.N.JAYASIMHA : VICE-CHAIRMAN

(Order of the Single Bench delivered by
Hon'ble Shri B.N.Jayasimha, VC)

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The applicant is an Extra Departmental Mail
Courier/Delivery Agent at Tunki Branch Post Office in
Medak District. He has filed this application aggrieved
by the orders issued by the Sub-Divisional Inspector
(Postal), Jogipet, in his memo No.PF/EDMC/DA/Tunki 80
dated 9-4-1991, terminating his services.

2. The applicant states that he was appointed as

B.N.V.

.....2.

AT 12/6/91

ED Mail Courier in Tunki Branch Post Office with effect from 12-1-1990 in a regular vacancy as per the appointment order dt.9-1-1990. He says that this appointment was made after observing all the formalities prescribed for such an appointment. He has been working for more than 15 months. Prior to his appointment he has also worked as In-charge Branch Post Master and thus he has ample experience. His appointment was also given after verification of the selection file by the Superintendent of Post Offices, Sanga Reddy District. While this was so, the Sub-Divisional Inspector (Postal), Jogipet Sub-Division, Jogipet in his memo dt.9-4-1991 issued orders removing him from service with immediate effect, stating that he was directed by the Post Master General, Hyderabad Region, to cancel his appointment. Aggrieved by this order he has filed this application.

3. I have heard Shri S.Rama Krishna Rao, learned counsel for the applicant and Shri Naram Bhaskar Rao, learned standing counsel for the Respondents, who takes notice at the admission stage. The impugned order reads as follows :-

"In accordance with the directions contained in the Postmaster General, Hyderabad region, Hyderabad letter No.H/ST/14-3/SGD dt.1-4-91, the selection of Sri R.Mohan Reddy for the post of EDMC/DA, Tunki B.O. account with Kowdipally S.O., is hereby cancelled. Sri R.Mohan Reddy is, therefore, removed from service with immediate effect."

BWS

ref

The main contention of Sri Ramakrishna Rao is that the appointment was validly made after observing the procedure laid down, ^{and it} could not have been terminated by an order of the Post-Master General and the order is therefore violative of Article 311(2). Shri Naram Bhaskar Rao states that after the selection and appointment of the applicant, the department received several complaints and the Director for Postal Services called for records and reviewed the selections. During the course of such a review certain irregularities were found, which reads as follows :-

- "(1) The true/xerox copies attached to the applications were not verified before the appointment, which is in violation of the provisions contained in second para of Postmaster General Hyderabad letter No.Vig/Misc-81/85, dt.12-10-1987.
- (2) The certificate of residence was not enclosed to the application by the applicant at the time of submission of his application and the same was obtained and kept on record after the issue of appointment orders in violation of the instructions contained in the notification issued by the first respondent under his Memo No.PF/EDMC/DA/Tunki dt.11-10-1989.
- (3) The Health and age certificate was obtained from the applicant on 15-1-90, whereas the appointment was made with effect from 12-1-90 which is in violation of Director General P&T New Delhi lr.No.43/36-Pen dt.17-10-86.

for

To

1. The Sub-Divisional Inspector (Postal)
Jogipet Sub Division, Jogipet-502270, Medak Dist.
2. The Superintendent of Post Offices, Sangareddy Division.
3. The Post Master General, Hyderabad Region, Hyderabad-1.
4. One copy to Mr.S.Ramakrishna Rao, Advocate,
1-10-29, Ashoknagar, Hyderabad.
5. One copy to Mr.N.Bhaskar Rao, Addl. CGSC. CAT.Hyd.
6. One copy spare.

pvm

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18/10/69

(4) The required security for an amount of Rs.2000/- was not obtained from the applicant at the time of his appointment which is against the provisions of Director General Posts, New Delhi lr.No.41-301/87/PE.II/EDC & Trg. dt.6-6-88.

(5) The conduct and character certificate from two Gazetted officers were obtained and kept on record after the appointment was made, which is in violation of the rulings on the subject."

Hence the Director of Postal Services ordered that the selection of the applicant be cancelled and the Sub-Divisional Inspector (P), Jogipet, on being asked to re-notify the vacancy, the applicant was removed from service. It is evident from the above that no notice or an opportunity was given to the applicant to rebut and this is in clear violation of principles of natural justice. The impugned order cannot therefore be sustained. Accordingly the order is set aside and the applicant shall be re-instated/into service immediately. This order, however, will not preclude the respondents from issuing a proper notice and afford the applicant an opportunity before taking such action as they consider necessary. The application is allowed with the above directions. No order as to costs.

B.N. Jayasimha
(B.N. JAYASIMHA)
Vice-Chairman

Dated: 12th June, 1991.
Dictated in Open Court

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Pr. Deputy Reg. Secy
18/6/91

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH:HYDERABAD

THE HON'BLE MR.B.N.JAYASIMHA: V.C.

AND

THE HON'BLE MR.D.SURYA RAO: M(J)

AND

THE HON'BL MR.J.NARASIMHA MURTHY:M(J)

AND

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

DATED: 12 6-1991.

~~ORDER~~ JUDGMENT.

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

in.

T.A.No.

W.P.No.

O.A.No.

574/90

Admitted and Interim directions
issued.

Allowed.

Disposed of with direction.

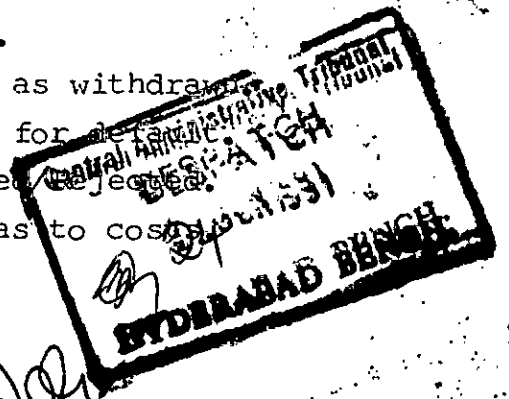
Dismissed.

Dismissed as withdrawn.

Dismissed for default.

M.A. Order rejected.

No order as to costs.



18/6/91