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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

O.A.NO.325/94

Between:

Date of Decision: 8.2.95.

N. Masthan Reddy

...Applicant

And

1. Union of India, Represented by
The Superintendent of Post Offices,
Narasaraopet.

2. The Sub Divisional Inspector (Postal),
Narasaraopet Sub Division,
Narasaraopet.

...Respondents.

Counsel for the Applicants : Mr.K.S.R.Anjaneyulu

Counsel for the Respondents : Mr.N.R.Devraj,Sr.CGSC.

CORAM:

THE HON'BLE SHRI A.V.HARIDASAN : MEMBER (J)

THE HON'BLE SHRI A.B.GORTHI : MEMBER (A)

contd...

O.A. 325/94.

Dt. of Decision : 08-02-1995.

ORDER

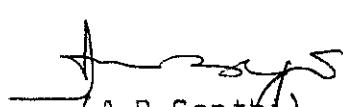
(As per Hon'ble Shri A.V.Haridasan, Member (Judl.))

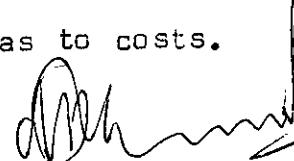
The applicant Shri N.Masthan Reddy was selected and appointed as Extra Departmental Delivery Agent, Ravipadu SO. ^{premises} He was selected in a regular ~~post~~ of Selection and took over as EDDA on 05-02-1994. He received a letter dated 09-03-1994 from the Sub Divisional Inspector (Postal), Narasaraopet ^{informed} by which he was ~~briefered~~ that as per instructions contained in letter dated 02-03-1994 of the Superintendent of Post Offices, Narasaraopet Division, the applicant's selection as EDDA had to be set aside and ^{was} ~~asked~~ to show cause why his services should not be terminated. The applicant in response to this letter requested the Sub Divisional Inspector to give him a copy of the letter of the Supdt. of Post Offices, so that, he might understand on what ground his selection and appointment was found fault with. In reply to this letter the Sub Divisional Inspector by the impugned order dated 19-03-1994 informed the applicant that as his selection and appointment was in not order, his services have to be terminated and that his request for supply of a copy of the SPOs letter cannot be acceded to. Under these circumstances the applicant filed this application impugning the action of the respondents in deciding to terminate his service, on the ground that the termination of his services without disclosing him even the ground on which it was done is arbitrary, irrational and opposed to the principles of natural justice. Though sufficient time was granted to the respondents, the respondents did not file any reply, ~~though the application was admitted~~. However, pursuant to an interim order dated 21-03-1994, the applicant was allowed to continue in service.

2. In the mean while, one Shri G.Koteswara Rao, who was one of the contestant for the post of EDDA filed O.A.No. 831/94 in which the applicant in the case is also arrayed as one of the respondents. The applicant in OA.831/94 had contended that considering his qualifications, community status and all other aspects, he deserved to be selected and appointed. The official respondents in that case and the applicant in this case who was the 2nd respondent in OA.831/94 filed reply statement in that application. That application is being disposed of by a separate order today itself.

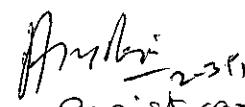
3. The departmental representative is present to assist the Sr.CGSC, who appeared for the respondents. The file relating to the selection has also been produced. From the file, it is evident that the applicant has obtained better marks in the SSS Examination than the other eligible candidates who were considered. There is no indication as to why this selection made was found fault with by the Supdt. of Post Offices. Even as on today the letter of the Supdt. of Post Offices directing the cancellation of the appointment of the applicant has not come to light. Under these circumstances especially, when the applicant is eligible qualified and more meritorious than all the other candidates who were considered, we are of the considered view that the cancellation of the appointment of the applicant without disclosing him the ground for such a decision is arbitrary, irrational and unsustainable. ~~has~~ On this simple ground this application is liable to be allowed.

4. In the result, this application is allowed and the impugned orders of the respondents are set aside and the respondents are directed to allow the applicant to continue in service as EDDA. There is no order as to costs.


(A.B.Gorathi)
Member (Admn.)


(A.V.Haridasan)
Member (Judl.)

Dated : The 8th February 1995.
(Dictated in Open Court)


Deputy Registrar

TYPED BY
CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(J)

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(A)

DATED : 8.2.95

ORDER/JUDGEMENT.

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

in
O.A.NO. 325/94

~~Admitted and Interim directions
issued~~

~~Allowed~~

~~Disposed of with Directions~~

~~Dismissed~~

~~Dismissed as withdrawn~~

~~Dismissed for Default.~~

~~Rejected/Ordered~~

~~No order as to costs.~~

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