
Date of Decision: 20.7.94

CA 308/94

LAXMI NARAIN SHARMA

... APPLICANT.

Vs.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

HON'BLE MR. O.P. SHARMA, MEMBER (A).

For the Applicant

... SHRI VIRENDRA LODHA.

For the Respondents

...

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (A).

Applicant Laxmi Narain Sharma has filed this application u/s 19 of the Administrative Tribunals Act, 1985, challenging the impugned order dated 12.5.94 (Annexure A-1) read with the order dated 12.5.94 (Annexure A-2) to the extent it ousted him from service in the post of Extra Departmental Branch Post Master (for short EDEPM). He has also prayed for a direction to the respondents No.1 to 3 to allow him to continue on the aforesaid post as also for a direction to regularise his services with all consequential benefits. There is another prayer for a direction to the respondents No.1 to 3 not to continue the respondent No.4 on the post held by the applicant.


2. We have heard the learned counsel for the applicant and have gone through the records of the case.

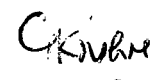
3. The applicant states that he was duly selected for appointment on the post of EDEPM vide order dated 27.9.91 and he was given provisional appointment for a period from 21.9.91 to 19.12.91. However, he continued to serve till the issuance of the impugned order dated 12.5.94, by which his service was terminated. The contention of the learned counsel for the applicant is that the action of the respondents No.1 to 3 is not sustainable since his services were terminated to make room for the respondent No.4, who was accommodated in the post. It is further contended that the order in question was passed without giving any show-cause notice or without affording any opportunity of hearing to the applicant.

4. It is obvious from a perusal of the records that the respondent No.4 was reinstated in service as EDEPM, Kased (Mandrail), Distt. Sawai Madhopur, following the directions made by this Bench of the Tribunal in CA 124/93, decided on 23.3.94. The appointment of the applicant had been made on provisional and temporary basis and it was liable to be terminated at any time without any notice and without assigning any reason since the reinstatement of respondent No.4 in the post held by the applicant.

was made in terms of the directions issued by a Bench of this Tribunal in the OA cited supra. There was no necessity of issuing any show-cause notice to the applicant prior to the passing of the impugned order. We do not find any legal infirmity in the impugned orders.

5. For the reasons stated above, this OA is dismissed at the stage of admission. However, the applicant is free to make any representation to the concerned departmental authorities in connection with his grievance.


(O.P. SHARMA)
MEMBER (A)


(GOPAL PRISHNA)
MEMBER (J)