

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,
JAIPUR.

O.A.No.95/99

Date of order: 5.7.1999

Shibbu Ram Prajapat, S/o Shri Rameshwar Lal Prajapat, R/o Sahaganj, Hindaun City, presently working as T/S Casual Labour, Railway Mail Service, Sawaimadhopur.

VS.Applicant.

1. Union of India through the Secretary to the Govt. of India, Deptt. of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Postmaster General, Rajasthan Circle, Jaipur-7.
3. Senior Superintendent, Railway Mail Service, Jaipur Division, Jaipur.
4. Head Record Officer, Jaipur Division, Jaipur.
5. Sub Record Officer, Railway Mail Service, Jaipur Division, Sawaimadhopur.

....Respondents.

Mr.P.N.Jati - Counsel for applicant.

Mr.Azgar Khan - Advocate, Briefholder of Mr.M.Rafiq - Counsel for the respondents.

CORAM:

Hon'ble Mr.Gopal Krishna, Vice Chairman.

Hon'ble Mr.N.P.Nawani, Administrative Member.

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN.

Applicant Shibbu Ram Prajapat, has filed this application assailing there in the cancellation of the grant of temporary status vide order at Annexure-A1 dated 10.2.1999.

2. We have heard the learned counsel for the applicant and Shri Azgar Khan, Advocate, Briefholder of Mr.M.Rafiq, counsel for the respondents. The parties have agreed this matter being disposed of at the stage of admission. Records of the case have been carefully perused.

3. The case of the applicant is that he was engaged as casual labour (UAC) in the office of the Sub Record Officer, RMS, Jaipur Division, Sawaimadhopur on 26.3.87.

GK/NM

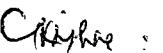
He has been performing the duty of a Group-D Mailman. Subsequently the applicant was disengaged by a verbal order. However he was taken back on duty by the respondents in terms of the directions of the Tribunal dated 21.9.1994. Temporary status was conferred upon the applicant w.e.f. 23.5.1996. His contention is that he had completed 240 days of service in a year before 29.11.1989 and thereafter completed 240 days of service in the years 1995, 1996, 1997 and 1998. It is urged on his behalf that the cancellation of the grant of temporary status without issuing any show-cause notice to the applicant is arbitrary and violative of the principles of natural justice enshrined in Article 14 of the Constitution.

4. On the other hand, the respondents have stated that the applicant was wrongly given temporary status by the Sub Record Officer, Sawaimadhopur, in contravention of the departmental instructions on the subject and that the impugned action of the respondents is nothing but mere rectification of a mistake committed by respondent No.5.

5. It is borne out by the record that before cancelling the grant of temporary status, no show cause notice was issued to the applicant and he was also not afforded an opportunity of hearing. The impugned action, is therefore, arbitrary and it deserves to be struck down.

6. In the result, the application is allowed and the impugned order at Annx.A1 dated 10.2.1999, by which the grant of temporary status to the applicant was cancelled, is quashed. The respondents are directed to re-consider the grant of temporary status to the applicant in terms of rules, instructions and guidelines on the subject, after issuing a show cause notice to the applicant and receiving a representation thereon from him. This exercise shall be completed within a period of three months from the date of receipt of a copy of this order. The O.A stands disposed of accordingly with no order as to costs.


(N.P. Nawani)
Member (A).


(Gopal Krishna)
Vice Chairman.