

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.101/1999

Date of order: 13.11.2000

Satya Narain Verma, S/o Sh.Ram Swaroop Darji, R/o H-161, Gatal Road, Bhawari, ERSV Bhawari Industrial Area P.O, Distt.Alwar.

...Applicant.

Vs.

1. Union of India through Secretary to the Govt of India, Deptt. of Posts, Mini. of Communications, New Delhi.
2. Chief Postmaster General, Rajasthan Circle, Jaipur.
3. Sr.Suptd of Post Offices, Alwar Postal Division, Alwar.
4. Asstt.Suptd of Post Offices, Alwar (North) Sub-Divn, Alwar.

...Respondents

Mr.C.B.Sharma - Counsel for Applicant.

Mr.K.N.Shrimal - Counsel for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.Gopal Singh, Administrative Member.

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

In this Original Application under Sec.19 of the Administrative Tribunals Act, 1995, the applicant makes a prayer:

- i) to direct the respondents to allow the applicant to work on the post taking into consideration of his satisfactory service; and
- ii) direct the respondents not to select any person as the candidature of the applicant has already been considered after completing all the formalities.

2. Reply was filed. In the reply it is admitted that the applicant was appointed provisionally on the post but it is stated that he is free to participate in the process of selection in case regular appointment is made on the post. It is also stated that the applicant was appointed only on provisional basis and this arrangement was terminated on 16.2.98 on account being irregular and was not necessary to give reasons to the applicant before termination. Therefore, it is stated that the applicant has no case for regular appointment and for interference by this



Tribunal and this O.A is devoid of any merit is liable to be dismissed.

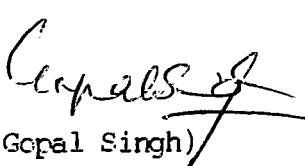
3. Heard the learned counsel for the parties and perused the whole record.

4. The learned counsel for the applicant during the course of arguments submits that from the reply filed by the respondents, it appears that the respondent department has filled up the post of EISV, Rhiwari Industrial Area on provisional basis due to deputation of Shri Ashok Kumar Yadav, therefore, till Shri Ashok Kumar Yadav returns back from deputation, a provisional appointee should not be replaced by any provisional appointee.

5. It is an admitted fact that the applicant was given appointment on provisional basis after requisitioning his name alongwith others from Employment Exchange and there is no allegation against the applicant about his work and conduct. No opportunity of hearing was given before issuing the impugned order of termination. As the order of termination entails civil consequences, therefore, it was necessary on the part of the respondents to give an opportunity to show cause before issuance of such order. In the facts and circumstances of this case, it will be just and expedient in the interest of justice that a provisional appointee should not be replaced by another provisional appointee.

6. In view of above all, we quash Anx. Al dated 16.2.99 by which the services of the applicant were terminated and direct the respondents to continue the applicant on the post of EISV, Rhiwari Industrial Area, till Shri Ashok Kumar Yadav returns back from deputation or a regularly selected candidate is appointed/joins.

7. With the above directions, the O.A is disposed of with no order as to costs.


(Gopal Singh)

Member (A)


(S.K. Agarwal)

Member (J).