

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

O.A.No.115/2000

Date of order: 7/2/2002

Ram Prasad Verma, S/o Sh.Pooran Mal Verma, R/o
Mohalla Regron, Near Khatai Madan Ganj Kishan Garh
last employed on the post of EDMP,

...Applicant.

Vs.

1. Union of India through Secretary, Govt of India,
Deptt of Posts, Mini.of Communications, New Delhi.
2. Post Master General Rajasthan Southern Region,
Ajmer.
3. Sr.Supdt.of Post Offices, Ajmer Postal Division,
Ajmer.
4. Post Master Madan Ganj Kishangarh Head Post Office.

...Respondents.

Mr.C.B.Sharma

: Counsel for applicant

Mr.Hemant Gupta, proxy of Mr.N.C.Goyal - for respondents.

CORAM:

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

Hon'ble Mr.H.O.Gupta, Administrative Member.

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

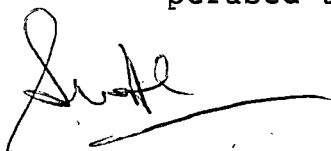
In this O.A filed under Sec.19 of the ATs Act, 1985,
the applicant makes a prayer to quash and set aside the
order of termination dated 24.2.2000 (Annx.A1) and to direct
the respondents to reinstate the applicant on the post of
EDMP, Madanganj Kishangarh Head Post Office. Further
directions are sought to restrain the respondents not to
make any selection on the post held by him.

2. In brief facts of the case as stated by the
applicant are that a post of EDMP was fallen vacant in the
office of respondent No.4 and ^{after} a due process of selection the

applicant was selected and tookover the charge of the post on 19.3.97. It is stated that the performance of the applicant was to the entire satisfaction of the respondents but suddenly respondent No.4 served a notice for termination of his services under Rule 6(a) & 6(b) of EDAs (Conduct & Service) Rules, 1964 vide memorandum dated 18.11.99 but the said letter was cancelled. It is stated that thereafter, the services of the applicant were again terminated forthwith vide memorandum dated 24.2.2000 without disclosing any reasons by invoking Rule 6(b) of the EDAs (Conduct & Service) Rules, 1964 by allowing one month's pay and dearness allowance in lieu of notice period. It is stated that the applicant is a duly selected person against a post lying vacant, therefore, terminating the services of the applicant without any reason is bad in law and against the principles of natural justice. Therefore, the applicant filed this O.A for the relief as above.

3. Reply was filed. In the reply, it is stated that the services of the applicant were terminated on the ground that he concealed the fact of a court case pending against him in column No.12 of the attestation form filled by the applicant on 15.4.98. It is stated that the appointment of the applicant was based on false information hence it was null and void and for termination under Rule 6(a) & 6(b) of EDAs (Conduct & Service) Rules, 1964 no reasons are required to be mentioned in the order of termination if the ED employee has not completed 3 years of service. Hence, the impugned order dated 24.2.2000 is perfectly legal and valid and does not require any interference by this Tribunal.

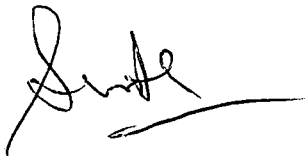
4. Heard the learned counsel for the parties and also perused the whole record.



5. It is an admitted fact that the applicant was selected for the post of EDPM, Madanganj Kishangarh and he joined the duties on 19.3.97. It is also an undisputed fact that the applicant was appointed after due process of selection and after following the recruitment rules.

6. On a perusal of Annx.A1, it appears that the services of the applicant were terminated under Rule 6(b) of P&T EDAs (Conduct & Service) Rules, 1964 and in lieu of one month's notice, the applicant was allowed one month's salary and dearness allowance. It is also established from the averments of the parties that in the attestation form the applicant fill NIL against column No.12 in which the applicant was required to give information regarding "Have you ever been prosecuted, kept under detention or bound down/fines/convicted by a court of law of any offence or debarred or disqualified by any Public Service Commission from appearing at its examination/selection". The information furnished by the applicant against column No.12 was found false on the basis of the report sent by the District Magistrate, Ajmer (Annx.R1). On a perusal of Annx.R1, it appears that FIR No.188/94 under Sec.147, 149, 451 and 323 IPC was registered at Police Station Kishangarh and the applicant alongwith others was prosecuted. The case was tried by Addl.Chief Judicial Magistrate, Kishangarh, Ajmer and vide its judgment dated 29.5.99, the applicant alongwith others was convicted for the offence under Sec.147 IPC and he was ^{on admonition} released by the Court by giving benefit of Sec.3 of Probation of Offenders Act, 1958 and the applicant alongwith others were acquitted for the offence under Sec.323 IPC on the basis of compromise between the parties.

7. Rule 6 of P&T EDAs (Conduct & Service) Rules, 1964

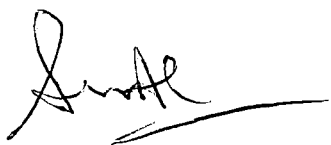


provides as under:

"6. Termination of Services-(a) The services of an employee who has not already rendered more than three years' continuous service from the date of his appointment shall be liable to termination at any time by a notice in writing given either by the employee to the appointing authority or by the appointing authority to the employee. (b) the period of such notice shall be one month."


8. According to this Rule, the services of an ED Agent who has been selected after due process of selection can be terminated within 3 years of his service. In the instant case, the services of the applicant were terminated within the period of 3 years on the ground that the applicant gave false information regarding his prosecution which was pending before the court of competent jurisdiction and ultimately he was convicted for the offence under Sec.147 IPC and ~~released~~ ^{on admonition} under Sec.3 of Probation of Offenders Act, 1958 in lieu of any punishment. Therefore, terminating the services of the applicant under Rule 6 of the P&T EDA(Conduct & Service) Rules, 1964 is not in any way appears to be illegal and unjustified and against the settled principles of law and we do not find any ground to interfere in the impugned order of termination.

9. The learned counsel for the applicant has argued that the order of termination was made at the instances of higher authority, therefore, the same is not sustainable in law. On a perusal of order dated 24.2.2000, it appears that the same was passed by Post Master, Madanganj, Kishangarh HO who is the appointing authority and this order does not disclose that the same has been passed at the instances of



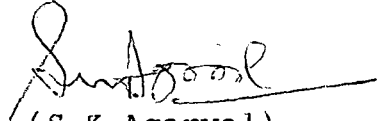
higher authority. It also appears that the appointing authority has issued this order after full application of mind. The impugned order was issued under Rule 6 of the P&T EDAs(Conduct & Service) Rules, 1964 and in lieu of notice, the applicant was allowed one month salary plus dearness allowance. Therefore, we do not find any infirmity/illegality in the said order and this O.A devoid of any merit is liable to be dismissed.

10. We, therefore, dismiss this O.A having no merits with no order as to costs.



(H.O.Gupta)

Member (A).



(S.K.Agarwal)

Member (J).