

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A No.392/2000

Date of order: 25/1/2007

Roop Singh, S/o Sh.Narain Singh, R/o Vill. & Posts
Kamalpura, Distt.Bharatpur, working as EDBFM, Kamalpura
...Applicant.

Vs.

1. Union of India through Secretary to the Govt of India,
Deptt.of Posts, Mini.of Communication, New Delhi.
2. Director Postal Services, Jaipur Region, Jaipur.
3. Superintendent of Post Offices, Bharatpur Divn,
Bharatpur.

...Respondents.

Mr.Karanpal Singh - counsel for the applicant.

CORAM:

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

Hon'ble Mr.A.F.Nagrath, Administrative Member.

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

In this Original Application filed under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to quash and set aside the order Annx.A1 and direct the respondents to reinstate the applicant in service with all consequential benefits.

2. Earlier the applicant has also filed O.A No.325/99 by which the applicant challenged the notice Annx.A1 and the decision given on 16.2.2000 in O.A No.325/99. The O.A filed by the applicant was dismissed having no merits. Now again the applicant has challenged the order dated 21.2.2000.

3. The case of the applicant in nutshell is that he was appointed as EDBFM after following due process of selection and the applicant started work on the post w.e.f. 15.7.98. Respondent No.3 issued a show cause notice dated 22.6.99 that the applicant did not disclose the fact of pending a criminal case against him under Sec.147, 323, 341 and 336 IPC before

Bharatpur Court. The show cause notice was challenged by the applicant before this Tribunal by filing O.A No.325/99 and the O.A was dismissed vide order dated 16.2.2000. It is stated that after passing the order in the aforesaid O.A, on 16.2.2000, the order dated 21.2.2000 was issued by respondent No.3, dismissing the services of the applicant vide Annx.A1. It is stated that the order of dismissal is in violation of Articles 14, 21 and 311 of the Constitution. No enquiry was conducted against the applicant. It is stated that the applicant did not fill up the attestation form by himself but only signed the same. It is further stated that Rule 6(a) of the ED Agents Conducts Rules, 1964, clearly speaks that services of an employee may be terminated without assigning any reason before completion of 3 years of service in administrative interest but this was not the case of the applicant, therefore, the impugned order of termination/dismissal dated 21.2.2000 (Annx.A1) is liable to be quashed and set aside.

4. Heard the learned counsel for the applicant and perused the whole record.

5. The learned counsel for the applicant while arguing the matter has referred the judgment of the Rajasthan High Court in Khama Ram Vishnoi Vs. State of Rajasthan & Anr, decided on 8.2.2000. We have respectfully considered the judgment of the High Court. The present case pertains to termination of an EDBPM therefore, looking to the facts and circumstances of this case and settled legal position, this citation does not help the applicant in any way.

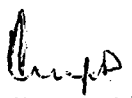
6. The applicant has already challenged the notice issued to the applicant in his earlier O.A No.325/99 and the same was decided/disposed of after hearing the applicant in detail. The law on the subject was also discussed in detail in O.A

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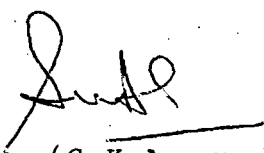
No.325/99 and it was held that on verification by Collector and District Magistrate, Bharatpur, it was established that a case under Sec.147, 323, 341 and 336 IPC was registered at Police Station Kumher against the applicant and others and Charge sheet was also filed before the Court AMJM No.1, Bharatpur on 26.9.97. But the applicant did not disclose this fact in the Attestation Form which the applicant has filled up before joining the post. The Attestation Form and Declaration was signed by the applicant himself, therefore, the applicant is not allowed to plead that the same has not been filled up by him.

7. In view of the settled legal position and facts and circumstances of this case and after perusal of the provisions contained in Rule 6 of the ED Agents Conducts Rules, 1964, we are of the opinion that there is no infirmity/illegality in the order passed by the respondents' department on 21.2.2000 and the applicant has no case for interference by this Tribunal.

7. We, therefore, dismiss the O.A at the stage of admission in limine.


(A.P.Nagrath)

Member (A).


(S.K.Agarwal)

Member (J).