

FORM NO. 4

( See Rule 42 )

# In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET  
APPLICATION NO.

170

OF 1998

Applicant(s) Shri Ashim K. Deb

-VS-

Respondent(s) Union of India & Ors

Advocate for Applicant(s) Mr. B.K. Sharma

Mr. G. Sarma,

Mr. U.K. Shukla,

Advocate for Respondent(s)

Mr. G. Sharma,

Addl. Secy

Notes of the Registry	Date	Order of the Tribunal
<p>12.8.98</p> <p>Rs. 50/-</p> <p>754/53</p> <p>28.7.98</p> <p>Requisite 4 copies have been filed.</p> <p>3/8/98</p> <p>Registrar</p> <p>38.</p>	<p>12.8.98</p> <p>trd</p> <p>5/8</p> <p>13/8</p> <p>27.8.98</p>	<p>Mr. B.K. Sharma, learned counsel appearing on behalf of the applicant.</p> <p>Mr. G. Sarma, learned Addl. C.G.S.C. appearing on behalf of the respondents.</p> <p>Mr. G. Sarma prays for two weeks time to receive instruction from the department. Prayer allowed.</p> <p>List on 27.8.98 for admission.</p> <p>Member</p> <p>Vice-Chairman</p> <p>This application has been filed challenging the Annexure-5 order dated 2.6.1998 by which the applicant's service was terminated for administrative reasons. The facts are :</p> <p>the applicant was appointed as Extra Departmental Branch Post Master</p>

contd..

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Notes of the Registry	Date	Order of the Tribunal
<p>please comply order dt 27-8-78.</p> <p>28 31/8/98</p> <p>2.9.98</p> <p>Copies of the Order alongwith the copies of his application have been sent to the d/sec. for issuing the same to the parties through Regd. with A/O.</p> <p>Issued vide J. Nos 2506 to 2510 dt. 3.9.98.</p>	<p>27.8.98</p>	<p>on condition that he would have to make own arrangement for accommodating the office. Pursuant to the appointment he made arrangement for accommodation, and <sup>thereafter</sup>  suddenly without any notice the impugned order was passed. Thereafter the appli- cant filed Annexure-7 representation dated 23.6.1998 to the Postmaster General, Assam Circle. The said representation has not yet been disposed of. Hence the present application.</p> <p>We have heard Mr B.K.Sharma, learned counsel appearing on behalf of the appli- cant and Mr G.Sarma, learned Addl.C.G.S.C for the respondents. Mr G.Sarma submits that he has no instruction as such. On the last occasion we granted two weeks time to Mr G.Sarma to enable him to receive instructions. It is not known what is the administrative reason. Even if there are some administrative reasons according to Mr B.K.Sharma the applicant cannot be terminated in view of the decision of the Apex Court in Superinten- dent of Post Offices vs. P.K.Rajamma etc. reported in 1977 S.L.J 532. As per the said decision according to Mr Sharma the applicant was a holder of a civil post and he was entitled to get protection under Article 311 of the Constitution. On the face of it we find that protection had not been given. However, we are not entering into the merit in view of the fact that the representation has not yet been disposed of. We are not inclined to admit the application as six months period is not over. Accordingly we do not entertain the application. However, we hope and trust that the respondents shall dispose of the representation as early as possible.</p> <p>Application is disposed of. No costs</p> <p>Member</p> <p>Vice-Chairman</p>