

Central Administrative Tribunal
Jabalpur Bench

OA No.1067/04

Jabalpur, this the 25th day of May, 2005.

C O R A M

Hon'ble Mr.Madan Mohan, Judicial Member

Ashwani Kumar Sharma
S/o Late Shri Kishan Kumar Sharma
R/o Village Mavai
Post Mavai
Distt.Sidhi (M.P.)

Applicant

(By advocate Shri Prabhakar Singh)

Versus

1. Union of India through
Secretary (Postal Services)
Ministry of Communications
New Delhi.
2. The Chief Postmaster General
M.P.Circle, Bhopal.
3. The Assistant Director, Amla
Indian Postal Department
Sub Division, Raipur.
4. The Superintendent of Post Offices
Shahdol, Dist. Shahdol (M.P.)

Respondents

(By advocate Shri Manish Chaurasia)

O R D E R

By Madan Mohan, Judicial Member

By filing this OA, the applicant seeks to quash the impugned orders Annexure A3 & A6 and to direct the respondents to reinstate him on his post with all consequential benefits.

2. The brief facts of the case are that the father of the applicant while serving as Postman at Dadiya died in harness , leaving behind



2. The brief facts of the case are that the father of the applicant while serving as Postman at Dadiya died in harness, leaving behind his widow, 2 sons and 5 daughters. Considering the financial condition of the family and the qualification of the applicant, he was appointed on compassionate ground provisionally on the post of EDMC/DA vide order dated 19.2.01. However, the applicant's services were terminated vide order dated 19.12.2003, holding that his appointment was irregular. Against the termination of his services, the applicant filed OA No.2/04 and the Tribunal vide its order dated 16.6.04 directed the applicant to submit a representation. The representation submitted by the applicant was rejected vide impugned order dated 13.9.04. Hence the applicant has filed this OA.

3. Heard learned counsel for both parties. It is argued on behalf of the applicant that the applicant who was appointed on the post of EDMC on 19.2.2001, continuously served the respondents for more than 2 ½ years. His services have been terminated without issuing any show cause notice. When the applicant approached the Tribunal by filing OA 2/04, the respondents were directed to consider and decide the representation of the applicant. Though the applicant submitted a detailed representation on 16.6.2004, the respondents had rejected it. Learned counsel of the applicant has drawn my attention towards AIR 1998 SC 3261 in support of his claim. The action of the respondents is not in consonance with the provisions of law. Hence the OA deserves to be allowed.

4. In reply, learned counsel for the respondents argued that the applicant was provisionally appointed on the post of EDMC in Dadiya Branch Post Office on 19.2.01. In the appointment letter Annexure R1, it is clearly mentioned that "the provisional appointment will be terminated when regular appointment is made and he shall have no claim for appointment to any post." The respondents also reserved the right to terminate his provisional



appointment at any time before the period mentioned in that order without notice and without assigning any reason. Learned counsel further argued that the appointment of the applicant on compassionate appointment was to be cleared by the CRC (Circle Relaxation Committee) but later on it was not considered by the CRC on the ground that the appointment was irregular. Hence his appointment was terminated. The representation submitted by the applicant was duly considered and finding no merit, it was rejected by passing a speaking, detailed and reasoned order. The ruling cited by learned counsel of the applicant does not help the applicant as it relates to Bihar University Rules. Learned counsel has further drawn my attention towards Rule 15 of Swamy's Postal Gramin Dak Sevak Method of Recruitment to the post of Postal GDS, according to which the respondents have passed the impugned order. Hence the respondents have not committed any irregularity or illegality in passing the impugned orders.

5. After hearing the learned counsel for both parties and perusing the records, I find that the appointment of the applicant was apparently provisional as his service could be terminated at any time without notice and assigning any reason, as is shown in A1 & A2. I have perused Rule 15 of Swamy's Postal Gramin Dak Sevak Method of Recruitment. The applicant has not served for 3 years. He was appointed on 19.2.01 and his services were terminated on 19.12.03. The Circle Relaxation Committee did not recommend the appointment of the applicant in accordance with rules and instructions. The ruling cited on behalf of the applicant seems to be not applicable in this case.



6. Considering all facts and circumstances of the case, I am of the considered view that the OA has no merit and accordingly the OA is dismissed. No costs.

(Madan Mohan)
Judicial Member

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पृष्ठकन सं ओ/न्या..... जयलपुर, दि.....
पतिविविध अर्थोपलब्ध:-
(1) सविन, उक्त पृष्ठकन सं ओ/न्या, जयलपुर
(2) आदेशावली, जयलपुर, जयलपुर, जयलपुर
(3) प्रत्यक्षी, जयलपुर, जयलपुर, जयलपुर
(4) वसुधा, जयलपुर, जयलपुर, जयलपुर
सूचना एवं आवश्यक कार्यवाही हेतु
जयलपुर जयलपुर

Pradha Kar Singh
Manish Chandra
Rajendra

Issued
31.05.05
OK