

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH, JABALPUR**

Original Application No. 301 of 2004

DATE OF ORDER : 6th May, 2005

Siddh Prakash Singh, S/o Shri Banshroop Singh, aged about 25 years, R/o village – Maddhepur, Post via Jaypee Nagar, District - Rewa.

Applicant

By Advocate : Shri S. Paul

Vs

1. Union of India through its Secretary, Ministry of Communication, Deptt. of Posts, New Delhi.
2. The Chief Post Master General, Chhattisgarh Circle, Raipur.
3. The Superintendent of Post Offices, Rewa Division Rewa.

Respondents

By Advocate : Shri P. Shankaran

C O R A M

Hon'ble Shri M.P. Singh, Vice-Chairman
Hon'ble Ms. Sadhna Srivastava, Member (J)

ORDER

Sadhna Srivastava, M [J]:-

In this application, show cause notice for termination of the service of the applicant dated 16.2.2004 issued by the Chief Post Master General, Chhattisgarh, Raipur has been assailed.

2. The facts, in brief, are that pursuant to the notification dated 5th March, 2002 to fill up the post of Gramin Dak Sewak Branch Post Master (GDSBPM in short), Jaypee Puram, ED Branch, the applicant submitted an application. The application was processed by the competent authority, and thereafter the applicant was selected and joined the post on 1.6.2002. Since then the applicant worked satisfactorily. However, the Chief PMG, in exercise of powers vested in him under Rule 4 (3) of Gramin Dak Sewak (Conduct and Employment) Rules, 2001 has given the impugned notice dated 16.2.2004. The said rule speaks of the right of the superior authority to


review the appointment made by the appointing authority.

3. A perusal of the notification dated 5.2.2002 and the impugned order contained in Annexure A goes to show that the mistake, if any, committed by the competent authority was that he failed to appoint ST candidate. It would appear that the notification dated 5.2.2002 provided that if a ST candidate was not available, the post can be offered to SC, OBC or general candidate respectively. The applicant belongs to OBC category. The case of the respondents is that the competent authority, i.e. The Superintendent of Post Offices, Rewa failed in his duty to make all possible attempt to fill up the post by ST candidate and instead selected the applicant in hot haste for the post. For this reason, the applicant's appointment is alleged to be irregular and in violation of the procedures prescribed for selection of GDSBPM.

4. It need not detain us for a moment to say that the impugned notice is bad in law. Once the applicant was selected and appointed, he acquired the vested right to hold the post. He can be deprived of his right to the post only by means of regular enquiry on the ground of established misconduct. His right to hold the post cannot be interfered with on the basis of some mistake on the part of the department. If there is no misrepresentation on the part of the candidate, the cancellation of the appointment order due to mistake, advertent or inadvertent, on the part of the department can never be used for the purpose. Such an order, as held in a number of cases by various Benches of the Tribunal and also higher Courts is bound to be termed as arbitrary and unjustified. In any case, on the facts and circumstances of the



5. The OA is allowed. The impugned notice , as contained in Annexure A , is hereby quashed. It is further directed that the applicant be not deprived of benefits , otherwise due to him, on account of impugned notice. There will no no order as to costs.


[M.P. Singh] V.C.

/cbs/

पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....

प्रतिलिपि अग्रे धितः—

- (1) सविता, उच्च न्यायालय नगर एसोसिएशन, जबलपुर
(2) आदेश नं. १०/१९८१/१९८२ को काउंसिल
(3) प्रथमी श्री/श्री/श्री/श्री को काउंसिल
(4) कार्यपालक, नं. १०, जबलपुर को काउंसिल
सचिवालय एवं कार्यपालक का कार्यालय है।

उप रजिस्टार

used
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