

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

OA No.343/03

Jabalpur, this the 18th day of August, 2004.

C O R A M

Hon'ble Mr.M.P.Singh, Vice Chairman
Hon'ble Mr.A.K.Bhatnagar, Judicial Member

Padmakant Shivhare
S/o Shri Luxmi Prasad Shivhare
Extra Departmental Branch Postmaster
Dhunwara Head Office
Amdara, Dist. Satna (MP)

Applicant

(By advocate Shri D.K.Pandey on behalf of
Shri A.K.Tiwari)

Versus

1. Union of India through
The Secretary
Department of Post
New Delhi.
2. Postmaster General
Chhattisgarh, Raipur Division
Raipur.
3. Superintendent of Post Offices
Rewa Division, Rewa (MP)
4. Inspector Post Offices
Post office Maihar
Dist.Satna (MP)

Respondents.

(By advocate Shri Om Namdeo)

O R D E R (oral)

By M.P.Singh, Vice Chairman

By filing this OA, the applicant has claimed the following
reliefs:

- (i) To quash orders dated 7.4.03 issued by Chief Post Master General, Chhattisgarh Raipur Region and dated 12.5.03 issued by Superintendent of Post Offices, Rewa Division.
- (ii) Direct the respondents to regularise the services of the applicant on his post and pay his regular salary.

2. The brief facts of the case are that the applicant was selected and appointed as Extra Departmental Branch Postmaster, Gunwara, Dist. Satna, while he was working as such, the respondents cancelled his appointment on the ground that there was irregularity in his selection.

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The applicant challenged the order of cancellation (Annexure A5) as also the order dated 7.4.03 issued by the Chief Postmaster General, Chhattisgarh-Raipur Region for cancellation of the appointment.

3. Heard learned counsel for both parties. Learned counsel of the applicant stated that the applicant belongs to OBC. The respondents have advertised the post for a candidate belonging to SC/ST and in case an SC/ST candidate, ^{are} not available, the post will be treated as ^{for OBC} ^{unreserved.} ¹ unreserved, and thereafter OBC. Since the applicant belongs to OBC, he was eligible for being considered as his name was sponsored by the employment exchange.

4. On the other hand, learned counsel for the respondents states that the applicant has submitted only an affidavit in place of caste certificate. Learned counsel of the respondents also submitted that the selection has been made in contravention of the instructions issued by the Directorate under letter No.19-4/97-ED & Training dated 19.8.98.

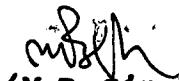
5. We have given careful consideration to the rival contentions. We find that the applicant has been duly selected by following the procedure laid down for the purpose. However, the respondents have cancelled the appointment of the applicant on the ground that the same was made in contravention of the instructions contained in letter dated 19.8.98. It is also stated by the learned counsel for the respondents that the post was reserved for ST candidate. However, they have not spelt out the reason and the ground whereby the irregularity has been

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committed in making selection of the applicant. They have simply stated in their reply that CPMG has cancelled the order for committing the irregularity. The Tribunal vide order dated 9.6.2003 had granted status quo in this case.

6. Keeping in view the above facts and circumstances, as the respondents have not disclosed any ground for the irregularity and simply cancelled the order, we find some substance in the contention of the learned counsel of the applicant. Moreover, the respondents have not given any prior notice to the applicant before cancelling his appointment. It is well settled legal position that when an adverse order ^{was} being passed against the applicant having the effect of civil consequences, an opportunity of hearing was required to be given to the applicant, which has not been done in this case. Accordingly, the impugned orders dated 7.4.03 and 12.5.03 are quashed and set aside and the order of the Tribunal dated 9.6.03 merges with this order.


(A.K.Bhatnagar)
Judicial Member


(M.P.Singh)
Vice Chairman

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पृष्ठांकन सं. ओ/न्या.....जबलपुर, दि.....
प्रतिशिल्पि अवै. रिट.:—
(1) सचिव, उच्च न्यायालय कार एसोसिएशन, जबलपुर
(2) आवेदन बोर्ड, न्यायालय, कार एसोसिएशन
(3) प्राप्ति बोर्ड, न्यायालय, कार एसोसिएशन
(4) लायल्स, न्यायालय, कार एसोसिएशन

सूचना द्वारा उपलब्ध करायेगी है।

DK Pandey
Om Narend

Signed
on 23/8/04

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अधिकारी