

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.413 of 1998

Jabalpur, this the 7th day of February, 2003.

Hon'ble Mr. Justice N.N. Singh- Vice Chairman
Hon'ble Mr. R.K. Upadhyaya- Member (Admnv.)

Achchelaal Verma son of Biseshwar
Prasad Verma, aged about 24 years,
serving in the post of EDMC/DA,
at Dihiya (Govindgarh), District
Rewa under the Sub Divisional
Inspector Posts Rewa, Sub Division
No.1 at Rewa (MP)

-APPLICANT

(By Advocate- None)

Versus

1. Union of India through
Secretary, Department of P&T,
Central Secretariate, New Delhi.

2. Sub Divisional Inspector Posts,
Sub Division No.1, Rewa (MP)

3. The Superintendent of Postal
Department, Rewa Division, Rewa.

-RESPONDENTS

(By Advocate- Mr.B.da.Silva)

O R D E R (ORAL)

This application has been filed seeking quashing
and setting aside of notice dated 12.5.1998 (Annexure A-7)
by which the services of the applicant are proposed to be
terminated after expiry the period of one month from the
date of service of the notice.

2. It is claimed that the post of Extra Departmental
Mail Carrier/Delivery (EDMC/DA for short) at Dihiya
(Govindgarh) of Postal Division, Rewa fell vacant on account
of promotion of one Shri Sooraj Deen Verma to Group 'D'
post. It is stated by the respondents that a notification
was issued on 18.12.1997 inviting applications for filling
up the post of EDMC/DA. Pursuant to the notification, nine
applications were received and on screening, the applicant

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was placed at Sl.No.1 on the basis of marks obtained. The applicant was selected based on his marks obtained in Class 8th and Class 10th Examination vide order dated 13.4.1998. He joined w.e.f. 12.02.1998. It is further stated by the respondents that a complaint was received that the applicant had not been selected properly, as he did not qualify for being selected, being not a resident of village where Branch Post office is situated. Therefore, by the impugned notice his services were proposed to be terminated on expiry of one month.

3. It is seen that on receipt of notice dated 12.5.1998, the applicant moved a representation to the Superintendent, Postal Services of Rewa Division, Rewa as per his application dated 22.5.1998 (Annexure A-8). However, before this petition could be disposed of, the applicant approached this Tribunal, and by order dated 4.6.1998 the impugned order dated 12.5.1998 was stayed. The respondents in their reply have stated that the applicant after filing representation should have waited for a period of six months before filing this petition. It appears that the representation dated 22.5.1998 (Annexure A-8) filed by the applicant against the impugned notice dated 12.5.1998 has not been disposed of by the respondents so far.

4. In view of the facts of this case and after considering the material available on record and arguments of the learned counsel of the respondents and without expressing any opinion on the merits of the claim of the applicant, it is desirable that the pending representation of the applicant against the termination notice dated 12.5.1998 is disposed of immediately. The applicant is directed to send a copy of this order to respondent No.3

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within a period of two weeks from the date of receipt of copy of this order alongwith a copy of earlier representation. In case, the applicant complies with the direction of this Tribunal as above, the respondent No.3 is directed to take a final decision on the representation of the applicant, while doing so the respondent No.3 may also consider the latest instruction on the subject on the basis of which this termination notice has been issued. The respondent No.3 is directed to pass a speaking order within a period of two months from the date of receipt of this order and communicate the same to the applicant promptly.

5. In view of the directions in the preceding paragraph, this application is disposed of without any order as to costs.

(Signature)

(R.K.Upadhyaya)
Member (Admnv.)

(Signature)

(N.N.Singh)
Vice Chairman

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Issued
on 10.2.03
BS

पृष्ठांकन सं ओ/न्या..... जयलपुर, दि.....
पतिलिपि
(1) सचिव, उच्च न्यायालय, जयलपुर
(2) अध्यक्ष, उच्च न्यायालय, जयलपुर
(3) सचिव, उच्च न्यायालय, जयलपुर
(4) सचिव, उच्च न्यायालय, जयलपुर
P.S. Das, Ad.
SE Sharan, Ad.
B. Das, Ad.
10/2/03