

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

O.A. NO. 58/2000

Pran Nath Mishra, Son of
Shri Ram Vilash Mishra, Aged
about 23 years, Postman Barati,
R/o. Village & Post - Barati,
Tahsil - Mauganj, Distt -
Rewa (M.P.).

... Applicant

Versus

1. Union of India,
Through : The Secretary,
Government of India,
Ministry of Postal Services,
New Delhi.
2. The Post Master General,
M.P. Circle,
Raipur (M.P.).
3. The Superintendent of Post Offices,
Rewa (M.P.).
4. The Sub Divisional Inspector of
Post Officer, Sub-Division,
Rewa - I (M.P.).

... Respondents

Counsel :

Shri Parag S. Chaturvedi for the applicant.
Shri S.A. Dharmadhikari for the respondents.

Coram :

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

O R D E R (Oral)
(Passed on this the 7th day of February 2003)

The applicant has assailed the impugned order dated 01/12/1999 (Annexure A/5) by which his services as Extra Departmental Mail Carrier/Delivery Agent have been proposed to be dispensed with, with immediate effect.

2. It is claimed that the applicant was duly selected and appointed as EDMC/DA of Barati (Manikwar)

with effect from 18/01/1997 as per letter of appointment dated 19/05/1997 (Annexure A/2). It is claimed that his appointment was after following the regular recruitment process. Therefore the termination^{as}/proposed is illegal and deserves to be quashed.

3. The respondents in the reply have stated that the post of EDDA/MC fell vacant on 30/09/1996 due to retirement of the earlier incumbent. In view of the vacancy, the Sub Divisional Inspector, Rewa issued a notification on 29/11/1996 for inviting applications for the vacant post from eligible candidates through the employment exchange. The Employment Exchange sponsored two candidates on 28/12/1996 including the name of the applicant. Again on 31/12/1996 the employment exchange sponsored the name of the 3rd candidate, which was rejected as the last date for receiving nominations were over. The respondents further stated that atleast 3 persons nominations should be considered before selection for the post of EDDA/MC. Therefore the initial appointment of the applicant being against the rules, the same was proposed to be cancelled. The learned counsel of the respondents states that the vacancy is to be filled up only by following the proper procedure.

4. After hearing the learned counsel of both the parties and after perusal of the records made available at the time of hearing, it is noticed that the applicant has not made any representation against the impugned order of termination of his service. It is desireable that he exhausts the Departmental Grievances Redressal Forum before approaching this Tribunal. In this view of the matter, without expressing any opinion on the merits of the claim of the applicant, we direct the applicant to make a repre-

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to respondent No. 3 within a period of three weeks from today. He may also file a copy of this Original Application alongwith his representation and with all other reasons as to why his selection does not deserves to be quashed. The applicant may also send a copy of his representation and application to respondent No. 4 for his ^{case} information. In/ the applicant complies with the above directions of this Tribunal, the respondent No. 3 is directed to pass a speaking order within a period of two months and communicate the same to the applicant promptly. In case it is decided by respondent No. 3 that fresh selection procedure is to be adopted in compliance to the provisions of the existing instructions, the name of the applicant should also be considered alongwith other candidates without insisting on age limit and also considering the fact that he was already once found suitable for the post. In case the post of EDDA/MC has not already been filled up, it may be desireable that the steps for filling up the vacancy are subject to the decision of the representation of the applicant.

5. In view of the direction in the preceding paragraph this Original Application is disposed of, without any order as to cost.

(Signature)
(R.K. UPADHYAYA)
MEMBER (A)

(Signature)
(N.N. SINGH)
VICE CHAIRMAN

प्राप्तकर्ता नाम/व्या..... जन्मता. दि.....
परिवारिक जाति वर्ग.....
(1) राजी, राज समाज का विद्युत विभाग, नवाजपुर
(2) अंग्रेजी व्याकरणी/व्याकरणी का विभाग
(3) अंग्रेजी व्याकरणी/व्याकरणी का विभाग
(4) वाराणसी, वाराणसी, वाराणसी विभाग
सूचना एवं आयोगका कार्यालयी दृष्टि

*P.S. Chaturvedi Adct
S.A. Dharmothilak Adct*

(Signature)