

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 600 of 1999

Jabalpur, this the 22nd day of August, 2003

Hon'ble Shri D.C. Verma, Vice Chairman (Judicial)  
Hon'ble Shri Anand Kumar Bhatt, Administrative Member

Prabhashankar Gautam, S/o. Shri  
Laloreram Gautam, Branch Postmaster,  
Branch Post Office, (Dak Ghar),  
Pandri, Account Office Chak,  
Distt. Rewa (MP).

... Applicant

(By Advocate - Shri P.K. Singh holding brief of Shri  
Surendra Mishra)

V e r s u s

1. The Government of India,  
through : Secretary, Telegraph  
(Post & Telegraph), Department  
New Delhi.

2. The Superintendent Post Office,  
Rewa Division, Rewa.

3. The Sub Divisional Inspector  
Post Office, Rewa Sub Division  
No. 2, Rewa (MP).

... Respondents

(By Advocate - Shri S. Akthar holding brief of Shri  
B.da.Silva)

O R D E R (Oral)

By Anand Kumar Bhatt, Administrative Member -

This original Application has been preferred by the applicant against the order of termination dated 21.09.1999 terminating the services of the applicant from the post of EDEPM.

2. The facts in brief are that the applicant was given appointment as EDEPM vide order dated 14.10.1998 (Annexure A-6). The condition of appointment as mentioned in paras 2, 3 and 4 was that it was provisional appointment and this can be terminated any time without any notice and without assigning any reason. It was further provided that

the appointment shall also be terminated in case any regular appointment is made. The ground taken by the applicant is that the post is still vacant and no regular appointment has been made and the decision of the respondents to discontinue the services of the applicant is arbitrary and that no notice was given to him before termination of the service. It has also been averred that the respondents have failed to observe the principles of natural justice.

3. The respondents have stated that the terms of appointment were very clear that this was a provisional appointment which can be terminated after the regular appointee joins and it can also be terminated before the completion of the period of appointment without any notice or without assigning any reason. The counsel for the respondents has further explained that there was a ban on fresh and permanent recruitment <sup>without approval of PMG</sup> to the post of EDEPM due to uneconomic <sup>status</sup> of Extra Departmental Post Offices, as it is clear from the letter dated 12.08.1998 (Annexure R-1), issued by PMG, Raipur.


4. We have seen the pleadings and have heard the learned counsel for both the sides.

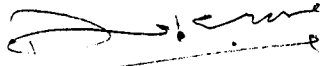
5. The terms of appointment letter <sup>it are</sup> ~~is~~ very clear that the appointment can be terminated any time without notice and without assigning any reason. In the reply, the respondents have been fair enough in submitting that there was a ban on filling up this particular Extra Departmental Branch Office and no permission of the PMG was received to fill up the post till date.

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6. Under the circumstances we think that the ends of justice would be met if we direct the respondents to consider the applicant for the post of EDEPM at Padari (Chak) or any other such Branch Post Offices in the district of Rewa, if the vacancy is so advertised and if the applicant applies for the post. It is ordered accordingly.

7. Original Application stands disposed of accordingly.

  
(Anand Kumar Bhatt)  
Administrative Member

  
(D.C. Verma)  
Vice Chairman (J)

"SA"

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....  
पतिलिपि अर्पित:-


(1) सचिव, उच्च न्यायालय वार एसोसिएशन, जबलपुर

(2) ~~जानेवक श्री/श्रीमती/यु.~~.....के काउंसल

(3) ~~जानेवक श्री/श्रीमती/यु.~~.....के काउंसल

(4) ~~जानेवक श्री/श्रीमती/यु.~~.....जबलपुर न्यायाधीश

रुज्जा एवं आवश्यक कार्यवाही हेतु

  
9.9.03

*Received*  
*11-9-03*

*P.K. Bingham*  
*B. Dasika - A.C.*