

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

(CIRCUIT BENCH AT SHIMLA)

...
OA No. 063/00058/2018 Date of decision- 15.03.2018

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
 HON'BLE MRS. P. GOPINATH, MEMBER (A)**

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Vishal Rai Bhatia S/o Shri Jagdish Bhatia (aged 19 years), R/o Village Koighat, PO Oachghat, Tehsil & District Solan, HP, earlier posted as GDSMC (Group-D), BO Basha, Sub-Post Office Waknaghhat, Tehsil Kandaghhat, District Solan, H.P.

...APPLICANT

Present : Mr. M.L. Sharma, Advocate.

VERSUS

1. Union of India through the Secretary, Department of Posts, Ministry of Communication & IT, Dak Bhawan, Parliament Street, New Delhi-110001.
2. The Chief Post Master General, Himachal Pradesh Circle, Kasumpti, Shimla-171009.
3. Superintendent of Post Offices, Solan Postal Division, Solan, H.P.
4. Inspector, Post Office, Solan Sub-Division, District Solan, H.P.

...RESPONDENTS

ORDER (ORAL)

...

SANJEEV KAUSHIK, MEMBER (J):

The applicant assails his oral order of termination as he has been restrained from marking his presence in office w.e.f. 23.01.2017, being illegal, arbitrary and against the principles of natural justice. He has also sought direction from the Tribunal to direct the respondents to grant him all consequential benefits.

2. Issue notice to the respondents.
3. Mr. Anshul Bansal, Advocate, appears and accepts notice on behalf of the respondents.

4. Learned counsel for the applicant vehemently argued that the applicant was appointed after following due process of selection as per rule formation and was offered appointment on 13.04.2016. He joined on the same very date and continued in service till 22.01.2017. He argued that without any written communication and without issuing notice to the applicant, not only his services has been terminated vide order dated 23.01.2017 and was not allowed to mark his presence, thus, he alleged violation of principles of natural justice.

5. We have given thoughtful consideration to the entire matter and perused the pleadings available on record. It is clear from the pleadings that the applicant was appointed after due process of selection and was offered appointment on 13.04.2016. The service conditions of the applicant are governed by the Gramin Dak Sewak (Conduct and Engagement) Rules, 2011. As per the rule formation, the respondents are under obligation to put an employee under notice before terminating his service. Since the applicant was neither put on notice, nor was heard before restraining him to mark his presence. Therefore, the action of the respondents is discriminatory, thus, the same cannot be allowed to sustain.

6. Therefore, we dispose of this present Original Application (OA), with a direction to the respondents to allow the applicant to continue in service. If there is something against the applicant and they wanted to terminate his service, then they have

to follow the procedure under Rules 2011. Therefore, the present OA is allowed in above terms.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 15.03.2018.

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