

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00969/2018

Dated Tuesday the 24th day of July Two Thousand Eighteen

PRESENT

**HON'BLE MR. R. RAMANUJAM, Member (A)
&
HON'BLE MR. P. MADHAVAN, Member (J)**

P.Kumarasamy,
54/2, North Pillayar Kovil Street,
Idaikal,
Thenkasi.Applicant

By Advocate M/s. V. Vijay Shankar

Vs

1.Union of India
rep by its Senior Superintendent of Post Offices,
Kovilpatti Division, Kovilpatti.

2.Inspector of Post,
Office of Inspector of Post,
Tenkasi Sub division, Tenkasi 627811.

3.Mr. Antony Chinnappan GDS MD,
Nainargaram BO,
Idaikal SO, Tenkasi.Respondents

By Advocate Mr. M. Kishore Kumar (R1-2)

ORAL ORDER**(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))**

Heard. The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

" To call for the records of the 2nd respondent in its memo no. IP(T)/GDSMD/Dlg at Tenkasi dt. 31.01.2018 and quash the same and direct reinstatement of the applicant as GDS in Nainaragaram village or any other vacant post with all attendant benefit and pass such other order or orders as may deem fit and proper and thus render justice. "

2. It is submitted that the applicant was previously engaged as GDS MD/MC by Annexure A2 order dt. 19.02.2015 following his success in the relevant selection process. The engagement was stated to be purely temporary as the approval for the post had not yet been received and it could be terminated at any point of time without serving notice. However, nearly two years after such engagement, the applicant's services were terminated by Annexure A3 order dt. 31.01.2017 on the pretext that one A. Antony Chinnappan had been reinstated after a disciplinary case was disposed of in his favour and, therefore, there was no vacancy available for the applicant.

3. Learned counsel for applicant would submit that the applicant's appointment letter nowhere mentioned that the applicant's appointment was subject to the outcome of the disciplinary proceedings against the said Antony Chinnappan nor was it subject to

any other contingency except for the post being purely temporary, the approval for which was awaited at that time. Further, before issuing Annexure A3 termination order, the applicant was not given an opportunity to be heard. Accordingly, the order is bad in law and is liable to be set aside, it is contended.

4. Mr. M. Kishore Kumar takes notice for the official respondents and submits that the OA is time barred as the order being challenged is dated 31.01.2017.

5. We have perused the contents of the OA and heard the rival submissions. It appears that the applicant was engaged albeit temporarily by an order dt. 19.02.2015. The order stated that the engagement was purely temporary and the approval for the post was not yet received and it could be terminated any time without service of notice. However, the impugned order has not been issued on the ground that the approval for the post had been declined by the competent authority or that the post had been discontinued. The applicant appears to have been shown the door on account of some other unforeseen event which had nothing to do with any omission or commission on the part of the applicant. Accordingly, we are of the view that a *prima facie* case is made out by the applicant for consideration of the competent authority.

6. Learned counsel for applicant would submit that the applicant had submitted Annexure A4 appeal dt. 15.03.2017 appeal against his termination to the competent authority which is still pending. The applicant would be satisfied if he is granted liberty to submit a more detailed representation in continuation thereof and the respondents directed to consider it in accordance with law and pass appropriate orders.

7. Keeping in view the limited relief sought and considering that a prima facie grievance has been made out, the applicant is granted liberty to supplement his Annexure A4 representation dt. 15.03.2017 with additional documents and citations, if any within two weeks from the date of receipt of a copy of this order. Upon receipt of such material, the respondents shall consider the same in accordance with law and pass a reasoned and speaking order within a period of two months thereafter.

8. OA is disposed of with the above direction at the admission stage.

(P. Madhavan)
Member(J)

SKSI

24.07.2018

(R.Ramanujam)
Member(A)