
(2025) 09 CAT CK 0463

In the Central Administrative Tribunal, Allahabad Bench, Allahabad

Case No : Original Application No. 689 Of 2014

Santosh Kumar Singh

APPELLANT

Vs

Union Of India & Ors.

RESPONDENT

Date of Decision : 19-09-2025

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19

Gramin Dak Sevaks (Conduct and Engagement) Rules, 2020 — Rule 10

Citation : (2025) 09 CAT CK 0463

Hon'ble Judges : Mohan Pyare, Member (A);Rajnish Kumar Rai, Member (J)

Bench : Division Bench

Advocate : A.D. Singh, Manoj Kumar Sharma

Final Decision : Dismissed

Judgement

Mohan Pyare, Member (A)

1. Present Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking the following relief:

"I. This Hon'ble Court may graciously be pleased to quash the order dated 12.6.2013 passed by Senior Superintendent of Post Office, Ghaziabad vide which applicant service has been terminated.

ii. That this Hon'ble Tribunal may be graciously be pleased to treat the applicant in service w.e.f. January, 2013 when he has been wrongfully stopped from working in Post Office Sector 62 Noida and may also pleased to direct respondents to pay all consequential benefits including salary from January 2013.

iii. That this Hon'ble Court may be graciously be pleased to pass an order that applicant shall not be disturbed from discharging his duty in Post Office, Sector 62 Noida.

iv. Any other direction as may deem fit and proper in the circumstances of the case."

2. Brief facts of this case are that the applicant passed his High School Examination from S.B. Inter College Lahuan Kalan Azamgarh. Office of Senior Superintendent of Post Offices, Ghaziabad, had invited application for post of GDS BPM, Sakipur and in pursuance of the said advertisement, the applicant also gave application on 01.7.2008. Vide letter No.B2/EDA/Sakipur Ghaziabad dated 24.9.2008. Office of Senior Superintendent of Post Offices, Ghaziabad informed that applicant has been selected on the aforesaid post and should approach Superintendent of Post Offices, Ghaziabad along with requisite document for verification. Vide Memo No. B2/EDA/Sakipur dated 04.11.2008, applicant has been appointed on the aforesaid post. He was posted in Post Office Sector 62, Noida. Thereafter, in the month of January 2013 applicant was stopped from discharging his duty in Post Office Sector 62 Noida on verbal order of respondent no.3. On 3.7.2013, the applicant represented to Director Postal Services, Ghaziabad. Then on 30.11.2013, the applicant made a complaint to Director Postal Services/Chief Postal Master General, Lucknow. On further inquiry it transpired that ex parte disciplinary proceedings had been completed and vide order dated 12.6.2013, the respondents terminated the services of the applicant.

3. We have heard learned counsel appearing for the parties.

4. Submission of learned counsel for the applicant is that the applicant has completed more than 4 years of service and before passing the impugned order, the principle of natural justice should have been applied. There was murmuring in the office that all the papers had been prepared to terminate the services of the applicant. It was found out by the applicant that an ex parte disciplinary proceeding has been completed and vide order dated 12.6.2013 his services have been terminated. Before terminating the services, no show cause notice has been given to the applicant. The applicant gave a representation to the Chief Post Master General on 07.11.2013. It is stated that the applicant had been appointed after completing all required formalities. Before giving an appointment order, it is the duty of the respondents to verify all the documents. In fact all the documents were verified in the case of the applicant and only thereafter appointment order dated 4.11.2008 was issued. Certain complaints against respondent no.3 have also been filed by departmental employees about tampering done by respondent no.3 in the service record. Though he was about to retire in June 2010 but by making manipulation in his date of birth, he is still continuing. It appears that respondent no.3 has misapprehension that applicant was also among one of them who brought on the surface the illegal activities done by respondent no.3. Thus, the action of respondents is wholly mala fide and contrary to the rule of law and arbitrary.

5. Learned counsel for the applicant referred to Rule 10 of GDS (Conduct and Employment) Rules which is being reproduced below:-

10. Procedure for imposing a penalty-

(1) No order imposing a penalty shall be passed except after-

(a) the Sevak is informed in writing of the proposal to take action against him and of the allegation on which it is proposed to be taken and given an opportunity to make any representation he may wish to make; and

(b) such representation, if any, is taken into consideration by the Appointing Authority:

Provided that the penalty of dismissal or removal from employment shall not be imposed except after an enquiry in which he has been informed of the charges against him and has been given a reasonable opportunity of being heard in respect of those charges:

Provided further that where it is proposed after such enquiry, to impose upon him any such penalty, such penalty may be imposed on the basis of the evidence adduced during such enquiry.

(2) The record of proceedings shall include-

(i) a copy of the intimation to the Sevak of the proposal to take action against him;

(ii) a copy of the statement of allegations, along with a list of evidence in support thereof, communicated to him;

(iii) his representation, if any;

(iv) the records of the enquiry proceedings along with the enquiry report of the Appointing authority of Enquiry officer, if any, appointed in a case where a formal enquiry is necessary;

(v) the representation, if any, of the Sevak on the Inquiry Officer's report;

(vi) findings of the Appointing Authority in respect of the allegations, with reasons therefore; and

(vii) the order imposing the penalty.

6. Submission of learned counsel for the respondents is that the applicant is a terminated GDS BPM of Sakipur BO. A notification was issued for the post of GDS BPM Sakipur BO, due to promotion of BPM in postman Cadre, on 5/6/2008 under OC category and the last date of submission of applications was declared as 4/7/2008. Total 15 applications were received including that of the applicant. A comparative chart was prepared and the applicant was selected. A letter was sent to the applicant on 24/09/2008 to submit his documents like place for BO, Residence proof in Sakipur, the photocopy of educational certificates attested by Gazetted Officer and self income certificate till 8/10/2008. The applicant submitted a photocopy of his documents and then an appointment letter was issued to the applicant on 4/11/2008 in which it was mentioned that it is a provisional appointment. A letter was written to Principal SB Inter College Lahuan Kalan Azamgarh for genuineness of certificates and marks of the applicant on 10/11/2008 and to District Magistrate Ghaziabad for verification of

character and antecedents on 17/4/2009. But no report was received from them. The applicant submitted his declaration form, acknowledgement form and took charge of BPM Sakipur on 19/11/2008. On 15/1/2013 a letter was issued to Santosh Kumar Singh (the applicant) regarding non submission of original documents i.e. educational certificate, certificate of ownership of property, caste certificate, the Village in which BO will run. The applicant was directed to submit his originals till 24/1/2013, so that the process of verification can be completed because his educational documents were not verified from the Board but the applicant did not submit his documents. It makes his position suspicious that he does not have original documents. Then the memo of put-off from duty was issued on 23/2/2013. On 1/4/2013, again a letter was written to the applicant to submit his documents and he was given 10 days time and it was made clear that if he fails to submit the same in stipulated time he will be terminated from the post of GDS. Again on 14/5/2013 a letter was issued and 10 days time was given to submit documents but he did not submit the same. On 12/6/2013 a memo was issued and the applicant was terminated from the post of GDS BPM Sakipur due to non submission of original documents.

7. Learned counsel for the respondents further submitted that as per departmental rules, the verification of certificates is compulsory and the applicant was appointed provisionally on the post of GDS BPM by the department subject to of the satisfactory verification of educational certificates, character and antecedents but verification could not be done even after more than 4 years as the applicant did not produce the original documents. Thus, he argued that the impugned order is legal and has been passed as per the rules.

8. In his rejoinder, learned counsel for the applicant has argued that the applicant has submitted his Educational Certificates of High School and Intermediate along with application form for appointment at the time of submitting the application pursuant to the advertisement for selection of GDSBPM Sakipur and bare perusal of the Selection Chart at Annexure CA -2 shows that the applicant was placed at Serial No. 4 in which the percentage of the marks have been calculated on the basis of High School Certificate while making the selection on the said post as such it can not be said that the applicant has not submitted the Educational Certificate & and if the applicant had not submitted the Educational Certificate of High School then on what basis the Department has calculated the percentage of marks of the High School while making the selection and complete copy of the said selection chart has also not been filed to see which authority has signed the selection chart and aforesaid selection chart has not been subsequently manipulated and prepared by the SSPOs Ghaziabad. All of the selected candidates gave an attested copy of Educational Certificate before the authority concerned and therefore the selection was made by calculating the percentage of marks hence the allegations of non submitting the documents is totally false. He emphasises that the applicant has submitted all the original documents pursuant to the letter dated 24.09.2008 and verification of the Educational Certificates of the applicant was completed from

the respective School and Board hence the allegations of non submitting the original documents of Educational Certificates of the applicant is totally false and the concerned College also certified as per Memo of Divisional office Ghaziabad and CBI Letter Memo No. Secret/ Through. SPL. Messenger / 517 No PA / HOB / CBI / ACB / GZB MCS P4 Dt. 05 August 2014 and again Concerned College also certified on 16.01.2023 that the applicant has passed the High School Exam in the year of 1995. Certificate and Mark sheet has been issued in favor of Santosh Kumar Singh S/o Shri Haribansh Singh DOB 03.02.1981 and Roll No. 1057540 by Madhyamic Shiksha Parishad U.P. (Grant of High School and Intermediate Education) Allahabad showing he has passed the High School Exam-1995 with first Division from S. B. Inter College Lahua Kala Azamgarh, therefore the impugned termination order is arbitrary and illegal hence the same is liable to be quashed. It is submitted that the respondents have never served the letter dated 15.11.2013, 23.02.2013, 11.04.2013 and 14.05.2013 to the applicant either by dasti or by registered post but the same has been fraudulently prepared behind the back of the applicant with motive to penalize the applicant and even though in the impugned termination order it is clearly mentioned that the aforesaid letter was returned in the office of the respondents without serving the same to the applicant therefore the applicant was unable to submit the reply of the same although before appointment and joining the duty the applicant submitted all the original educational certificates and the other required documents before the concerned authority and verification in all respect were completed then the appointment letter was issued to the applicant and was permitted to join his duty hence the allegations made in the punishment order of termination dated 12.06.2013 is arbitrary and illegal.

9. We have considered the rival submissions of learned counsel for the parties and perused the entire documents on record.

10. The appointment order issued to the applicant is reproduced below:

DEPARTMENT OF POST'S INDIA

OFFICE OF SPUDT. OF POST OFFICE GHAZIABAD DIVISION

GHAZIABAD-201001

Memo No.: B2/EDA/SakiPur dated at Ghaziabad, the dt.04-11-08

Shri Santosh Kumar Singh S/o Sh. Hari Bans Singh is hereby appointed provisionally as GDS BPM Sakipur with immediate effect subject to satisfactory verification of character & antecedents and educational certificates. He shall be paid such allowances as are admissible from time to time.

1.

Shri Santosh Kumar Singh should clearly understand that his employment as GDS BPM Sakipur shall be in the nature of a contract liable to be terminated by

him or by the undersigned by notifying the order in writing and that his conduct and service shall also be governed by the Deptt. Of Posts Gramin Dak Sevaks (Conduct and Employment) Rules -2001 as amended from time to time.

2.

If these conditions are acceptable to him, he should communicate his acceptance in the enclosed proforma.

Supdt. Of Post Offices

Ghaziabad Division

Ghaziabad-201002

11. Perusal of the appointment order shows that the applicant's was a contract appointment under certain terms and conditions. In a letter dated 24.09.2008 along with other documents he was asked to produce the marksheet and certificate of High School duly certified by the Gazetted officer in duplicate and Character Certificate issued by two gazetted officers. The above certificates were not produced by the applicant. He was issued a show cause notice dated 15.01.2013 mentioning that in case of failure to submit the documents i.e. Mark sheet and Certificate of High School before a particular date, the respondents shall be initiating action against the applicant as per rules. The applicant was issued a reminder dated 22.02.2013, 01.04.2013 and 14.05.2013. In spite of providing the required opportunity, the applicant failed to produce the necessary documents. Finally his services were terminated vide letter dated 12.06.2013.

12. In his rejoinder, the applicant has enclosed one certificate issued by the Head Master, SB Inter College Lahuan Kalan Azamgarh, that he has passed high school from SB Inter College Lahuan Kalan Azamgarh District in the year 1995.

13. Perusal of the above documents clearly shows that the applicant did not have the proper documents to establish that he has passed High School else he could have produced the Mark Sheet as well as the Certificate of passing High School examination. After passing High School, Mark Sheet and Certificates are issued by the State Education Board and not by the Head Master of the school. If the applicant had such documents, he could have produced the same or at least he could have clearly stated that he possesses the necessary documents which he would produce before the competent authority. Failure to do the same clearly establishes that he was not having the proper documents.

14. In light of the above discussion, we are of the considered opinion that the applicant has miserably failed to establish his case. There is no merit in the O.A. and the same is dismissed as such.

15. All associated M.A.s also stand disposed of. No costs.