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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 4533/2018**

KULDEEP KUMAR & ANR

..... Petitioners

Through: Mr. V.K. Garg, Senior Advocate, Mr. Ajay Kumar Singh, Mr. B.N. Vishwakarma and Mr. Ramesh K. Tiwari, Advocates.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr. Anurag Ahluwalia, CGSC, Mr. Abhigyan Siddhant, Mr. Shaurya Jain, Advocates with Mr. Manish Goel, Department of Posts.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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30.01.2020

1. This petition filed by 2 Petitioners is directed against an order dated 6th February, 2018 of the Central Administrative Tribunal, Principal Bench, New Delhi ('CAT') in OA No. 606/2016, filed by the Petitioners. By the said OA, the Petitioners had sought the quashing of a letter dated 23rd November, 2015 of the Department of Posts ('DoP')/Respondent No. 2, cancelling with immediate effect their "provisional selection for engagement" as Gramin Dak Sewak, Branch Post Master ['GDS, BPM'].

2. The Petitioners place reliance on an order of this Court dated 16th January,

2020 in W.P.(C) 11973/2016 (*Sonu Kumar, BPM v. Union of India*), wherein nearly identical orders issued by the Respondent No. 2 herein, terminating the services of GDS, BPMs without affording them an opportunity to be heard, have been held to be illegal. Consequently, the order of the CAT impugned therein, upholding the validity of the termination orders, was also set aside.

3. It is seen that the Petitioners herein are similarly situated as the Petitioners in *Sonu Kumar (supra)*. The Court is therefore of the view that the benefit of the aforesaid decision must enure to the present Petitioners.

4. Accordingly, the order of the DoP dated 23rd November, 2015 and the order of the CAT dated 6th February, 2018, are hereby set aside. A direction is issued to the Respondents to reinstate the Petitioners forthwith and to issue the necessary orders in this regard, not later than 8 weeks from today. For the purpose of seniority, promotion and notional fixation of pay, the period between the date of termination of service and date of reinstatement will be treated as period in service. However, on the principle of “no work no pay” the Petitioners would not be entitled to any arrears of pay for the said period.

5. The petition is allowed in the above terms.

S.MURALIDHAR, J.

TALWANT SINGH, J.

JANUARY 30, 2020 /abc