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

+ **W.P.(C) 5051/2018**

SAURABH

..... Petitioner

Through: Mr. Ashok Kumar Sharma, Senior
Advocate and Mr. Kshitij Mudgal,
Advocate.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr. Vivek Goyal, CGSC.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

30.01.2020

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1. This petition 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 present Petitioner and the two Petitioners in a connected writ petition i.e. W.P.(C) 4533/2018. By the said OA, the Petitioner had sought the quashing of a letter dated 23rd November, 2015 of the Department of Posts ('DoP')/Respondent No. 2, cancelling with immediate effect his "provisional selection for engagement" as Gramin Dak Sewak, Branch Post Master ['GDS, BPM'].

2. The Petitioner has placed 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 was also set aside.

3. It is seen that the Petitioner herein is 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 Petitioner.

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 Petitioner 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 Petitioner 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