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

+ **W.P.(C) 7836/2018 & CM APPL.3508/2019**

UNION OF INDIA AND ORS. Petitioners

Through: Dr. Ashwani Bharadwaj, Advocate.

versus

PRAVEEN KUMAR AND ORS. Respondents

Through: Mr. Ajay Kumar Singh, Mr. B.N. Vishwakarma and Mr. R.K. Tiwari, Advocates.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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30.01.2020

1. This is a petition by the Union of India through the Department of Posts ('DoP') challenging an order dated 9th October, 2017 of the Central Administrative Tribunal, Principal Bench ('CAT') allowing OA No. 2280/2016, filed by the Respondents herein.

2. By the said OA, the Respondents, who were working variously as Gramin Dak Sewak, Branch Post Master ['GDS, BPM'], Mail Deliverers, Stamp

Vendors and Mail Packers, challenged their respective termination orders issued by the DoP. The CAT set aside the termination orders for being issued “without assigning any reasons” and without affording the Respondents herein an opportunity to be heard.

3. This Court has in a recent decision dated 16th January, 2020 in W.P.(C) 11973/2016 (*Sonu Kumar, BPM v. Union of India*) held termination orders issued by the DoP in nearly identical circumstances to be illegal. Subsequently, relying on the aforesaid decision, this Court has allowed the petitions filed by GDS, BPMs challenging their termination orders by its orders dated 30th January, 2020 in W.P.(C) Nos. 4533/2018, 5051/2018 and 3878/2019.

4. Although the CAT has in the impugned order permitted the Petitioner to issue fresh orders after issuing show cause notices to the Respondents by, this Court, consistent with the orders passed by it in similar matters on 16th January, 2020 in W.P. (C) 11973/2016 (*Sonu Kumar, BPM v. Union of India*) and today in W.P. (C) Nos. 4533 of 2018, 5051 of 2018 and 3879 of 2019, while affirming the impugned order of the CAT directs the Petitioners to reinstate the Respondents 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 Respondents would not be entitled to any arrears of pay for the said period.

5. The petition and the pending application are dismissed in the above terms.

S. MURALIDHAR, J.

TALWANT SINGH, J.

JANUARY 30, 2020

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