

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 24TH DAY OF SEPTEMBER, 1987

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NO. 1759/1986

Shri Sharnappa M. Dimme,
S/o of Mareppa,
PA, Gulbarga R.S. PO.
Gulbarga,

..... Applicant

(Shri Ramakant V. Desai, Advocate)

v.

1. The Senior Superintendent of
Post Offices, Gulbarga Division,
Gulbarga.

2. The Postmaster General,
Karnataka Circle,
Bangalore.

3. The Director General,
Department of Posts,
Dak Tar Bhavan,
New Delhi.

..... Respondents.

(Shri M.S. Padmarajaiah, SCGSC)

This application having come up for hearing to-day,
Vice-Chairman made the following:

O R D E R

This is an application made by the applicant under
Section 19 of the Administrative Tribunals Act, 1985
('the Act').

2. After a series of proceedings, the narration of which
is not necessary for the purpose of this case, the Superin-
tendent of Post Offices, Gulbarga Division, Gulbarga
(Superintendent) by his memo No.82/1-41 dated 14.7.1983
appointed the applicant as a postal assistant on a temporary
basis with immediate effect. But, the same officer by His


memo No.SSR/B2/SD/JWD dated 19.6.1984 terminated the services of the applicant with one month's notice. On that termination order, the applicant approached the Post Master General, Bangalore (PMG) who by his order dated 31.10.1984 directed the reinstatement of the applicant and that in obedience to the said order the applicant has been reinstated as a postal assistant and is now working in that capacity.

3. The applicant's claim is for salary and allowances from 19.6.1984 to 13.11.1984.

4. In their reply, the respondents have asserted that the order made by the PMG was itself the first appointment order made and therefore the applicant cannot claim salary for the period noticed earlier.

5. Sri Ramakant V. Desai learned counsel for the applicant contends that the appointment made by the Superintendent on 14.7.1983 was in pursuance of the order made by Government on 18.5.1983 and his termination on 19.6.1984 was illegal and, therefore, the applicant was entitled for full salary and allowances for the period from 19.6.1984 to 13.11.1984.

6. Sri M.S. Padmarajaiah, learned Senior Central Government Standing Counsel appearing for the respondents, contends that the order made by the PMG on 13.11.1984 was very the first order of appointment and therefore the applicant was not entitled for payment of salary and allowance for the period from 19.6.1984 to 13.11.1984.



7. We find that in compliance with the order of Government made on 18.5.1983, the PMG made an order on 13.11.1984 in favour of the applicant. We are of the view that, that order was the very first appointment order in favour of the applicant subject to the terms set out therein. If that is so then the applicant cannot legitimately claim salary and allowance for the period from 19.6.1984 to 13.11.1984. Even otherwise, the claim of the applicant for payment of salary and allowance for the period he had not actually worked and had not rendered public service with due regard to all the facts and circumstances cannot also be accepted by us.

8. In the light of our above discussion, we hold that this application is liable to be dismissed. We, therefore, dismiss this application. But, in the circumstances of the case, we direct the parties to bear their own costs.

Ms. Praveen
Vice-Chairman
24/2/87

[Signature]
Member (A) 24.6.87

np/Mrv.

Registered

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA),
Indiranagar,
Bangalore-560 038.

Dated: 8-10-87

Application No. 1759 /86(F)

W.P. No.

Applicant To Sharanappa M. Dismie Vs The Sr. Supt of Post Offices,
Gulbarga and 2 Cos.

1. Sri Sharanappa M. Dismie,
P.A Gulbarga R.S. P.O.,
Gulbarga - 585 102.
2. Sri Ramakant V. Desai,
Advocate,
169, ESI Road, 2nd Block,
Rajaji Nagar, Bangalore-10.
3. The Senior Superintendent
of Post Offices,
Gulbarga Division,
Gulbarga - 585 101.
4. The Postmaster General,
Karnataka Circle,
Bangalore -1.
5. The Director General,
Department of Posts,
Dak Tar Bhavan,
New Delhi -1.
6. Sri M. S. Padmarajenah,
Advocate (C.A.S.C.),
High Court Building,
Bangalore -1.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH
IN APPLICATION NO. 1759/86 (F)

Please find enclosed herewith the copy of the Order/

~~Interim Order~~ passed by this Tribunal in the above said

Application on 24 Sep '87.

Encl: As above.

RECEIVED

Diary No

1272/CR/87

Filed Date: 12.10.87

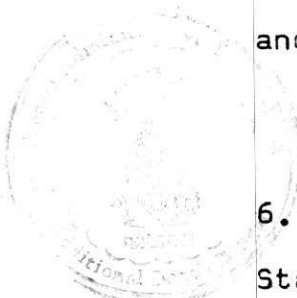
Deputy Registrar
(Judicial)

memo No.SSR/B2/SD/JWD dated 19.6.1984 terminated the services of the applicant with one month's notice. On that termination order, the applicant approached the Post Master General, Bangalore (PMG) who by his order dated 31.10.1984 directed the reinstatement of the applicant and that in obedience to the said order the applicant has been reinstated as a postal assistant and is now working in that capacity.

3. The applicant's claim is for salary and allowances from 19.6.1984 to 13.11.1984.

4. In their reply, the respondents have asserted that the order made by the PMG was itself the first appointment order made and therefore the applicant cannot claim salary for the period noticed earlier.

5. Sri Ramakant V. Desai learned counsel for the applicant contends that the appointment made by the Superintendent on 14.7.1983 was in pursuance of the order made by Government on 18.5.1983 and his termination on 19.6.1984 was illegal and, therefore, the applicant was entitled for full salary and allowances for the period from 19.6.1984 to 13.11.1984.



6. Sri M.S. Padmarajaiah, learned Senior Central Government Standing Counsel appearing for the respondents, contends that the order made by the PMG on 13.11.1984 was very the first order of appointment and therefore the applicant was not entitled for payment of salary and allowance for the period from 19.6.1984 to 13.11.1984.

7. We find that in compliance with the order of Government made on 18.5.1983, the PMG made an order on 13.11.1984 in favour of the applicant. We are of the view that, that order was the very first appointment order in favour of the applicant subject to the terms set out therein. If that is so then the applicant cannot legitimately claim salary and allowance for the period from 19.6.1984 to 13.11.1984. Even otherwise, the claim of the applicant for payment of salary and allowance for the period he had not actually worked and had not rendered public service with due regard to all the facts and circumstances cannot also be accepted by us.

8. In the light of our above discussion, we hold that this application is liable to be dismissed. We, therefore, dismiss this application. But, in the circumstances of the case, we direct the parties to bear their own costs.



no/Mrv.

Sd/-
Vice-Chairman / 24/9/87

Sd/-
Member (A) / 24.9.87

- True copy -

B.V. Venkatesh
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE
8/10/87