

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH , BANGALORE

DATED THIS THE 13TH FEBRUARY 1987

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

Application No. 1901/86.

P.Nagalakshmi,
W/o.H.Praneshrao
B.P.M.(Branch Post Master)
Biskur, Magadi Taluk,
Bangalore District.,
BANGALORE. Applicant

(Shri M.Raghavendra Achar, Advocate)

Vs.

1. Superintendent of Post Office,
Channapatna,
Bangalore District,
BANGALORE
2. Inspector of Post Office,
Nelamangala,
Bangalore District.

(Shri M Vasudeva Rao, Advocate)

This application has come up for hearing before
this Tribunal today. The Vice-Chairman made the
following :

O R D E R

In this application made under section 19 of the
Administrative Tribunals Act, 1985, the applicant
has challenged the orders dated 19.5.1986 and
4.6.1986 (Annexure E&F) of the Superintendent of
Post Offices, Channapatna Division, Channapatna ('the
Superintendent').

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2. From 22.6.1982, the applicant has been working as an Extra Departmental Postman (EDPM) of Biskur Village, Magadi Taluk, Bangalore District. For certain periods, the details of which are not necessary to notice, the applicant was stated to be absent from duty. But notwithstanding the same, she has been taken to duty from 19.5.1986 and is working eversince then as EDPM of Biskur Post Office.

3. When the applicant was on leave, she appears to have written a letter on 4.11.1985 or so to the Superintendent, interalia, requesting him to issue a certificate of the period of service rendered by her in the Postal Department. In response to the said letter, the Superintendent has written her reply on 19.5.1986 and 4.6.1986 (Annexures E & F) calling upon her to tender resignation to the post of EDPM.

4. Among others, the applicant has urged that the Superintendent is compelling her to tender her resignation to the post she held and such a course was impermissible and illegal.

5. In their reply, the respondents have asserted that they are not compelling the applicant to tender her resignation to the post of EDPM. The respondents also claim that the applicant was unauthorisedly absent for a period exceeding 180 days and they are entitled to terminate her services.

6. Shri M.Raghavendrachar, learned counsel for the applicant, contends that the Superintendent is compelling his client to tender resignation to the post of EDPM, Biskur Post Office, and that such a course was impermissible and illegal.

7. Shri M Vasudeva Rao, learned additional Central Government Standing Counsel, appearing for the respondents, refuting the contention of Shri Achar, contends that the authorities had not compelled the applicant to tender resignation to the post of EDPM.

8. We have carefully examined the two orders challenged before us, the facts and the circumstances leading to them and the records.

9. Even though the orders made and issued by the authorities are worded somewhat inaptly, we are satisfied that they have not compelled the applicant to tender her resignation to the post of EDPM. Shri Rao in our opinion ^{has} very rightly made this clear. On this view, we consider it ~~un~~ necessary to strike down the orders, except to declare that the authorities cannot and have not compelled the applicant to tender her resignation to the post of EDPM.

10. In their reply, the respondents have urged that the applicant has been absent for a period exceeding 180 days and therefore they are entitled to terminate her services.

11. Whether the applicant has absented herself for a period exceeding 180 days or not is not the subject matter of this application. If the applicant ~~has~~ ~~been~~ absented for a period exceeding 180 days, as asserted by the respondents, on the truth or otherwise of which we express no opinion, they are undoubtedly entitled to take action in accordance with law. We, therefore, leave open the same.

12. In the light of our above discussion, we make the following orders and directions :

- (1) We declare that the orders dated 19.5.1986 and 4.6.1986 (Annexures E & F), challenged by the applicant do not compel her to tender her resignation to the post of EDPM, Biskur Post Office.
- (2) We leave open all other questions.

13. The Application is disposed of in the above terms. But in the circumstances of the case, we direct the parties to bear their own costs.

As. Dr. D. N. M.
VICE CHAIRMAN 12/2/87

O. S. J.
MEMBER (A) 12/2/87

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