

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH: BANGALORE

DATED THIS THE 4TH DAY OF DECEMBER, 1986.

PRESENT:

Hon' Justice K.S.Puttaswamy, .. Vice-Chairman.

And

Hon'ble Mr.L.H.A.Rego, .. Member(A)

APPLICATION NUMBER NUMBER 1962 OF 1986.

Vamana Kuppayya Hegde,
Assistant Post Master,
Sirsi(N.K.), Sirsi HPO 581 401. .. Applicant.

(By Sri V.K.Kulkarni, Advocate)

v.

v.

post

1. The Superintendent of Police Offices,
Sirsi Division, Sirsi 581 401.
2. The Director of Postal Services,
North Karnataka Region, Dharwad-580 001. .. Respondents.

(By Sri M.Vasudevarao, Standing counsel).

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This application coming on for preliminary hearing this day,
Vice-Chairman made the following:

O R D E R

This application was posted before us to-day for admission with an interim prayer. At our direction Sri M.Vasudeva Rao, learned Central Government Standing Counsel takes notice for the respondents. He is permitted to file his memo of appearance for them within 15 days from this day. As agreed to by both sides, this case is treated as listed for final hearing to-day and is accordingly heard.

2. In this application made under Section 19 of the Administrative Tribunals Act, 1985 ('the Act') the applicant has challenged Memo No.F-II/32/Misc. dated 24-3-1986 of the Superintendent of Post Offices,

Sirsi

Sirsi Division, Sirsi ('Superintendent').

3. At the material time, the applicant was working as Assistant Post Master-II at Sirsi Head Post Office. In a disciplinary proceeding instituted under the Central Civil Service (Classification, Control and Appeal) Rules 1965 ('Rules') the Superintendent by his order dated 24-3-1986 has imposed the penalty of stoppage of next increment against the applicant for a period of one year. Aggrieved by the said order of the Superintendent, the applicant has filed an appeal on 6-5-1986 before the Director of Postal Services, Dharwad Region, Dharwad ('Director') which is still pending disposal before the said authority. As the director has not disposed of the said appeal filed by the applicant within a period of six months from the date the same was lodged before him, he has approached this Tribunal for striking down the order made by the Superintendent.

4. Sri V.K.Kulkarni, learned counsel for the applicant contends that the order made by the Superintendent is illegal on more than one ground and this is a fit case in which this Tribunal should examine its validity and strike down the same on every one of the grounds urged in the application.

5. Sri Vasudevarao contends that before the Director disposes of the appeal it would not be proper for this Tribunal to examine the merits of the order made by the Superintendent.

6. We have earlier seen that against the order made by the Superintendent, the applicant had filed a statutory appeal before the Director which is still pending disposal before him. Before the appellate authority considers and disposes of that appeal, we consider it proper not to examine the merits of the order made by the Superintendent. In an appeal filed under the Rules, the appellate authority can examine every one of the grounds urged in this application and such other grounds that have already been urged in the appeal and

grant him relief if he accepts any one of them. But, before that we are of the view that this is not a fit case in which we should interfere with the order made by the Superintendent. Whenever an appeal is filed under the Rules, the appellate authority is expected to dispose of such an appeal with all such expedition as is possible in the circumstances of the case. We are of the view that it would be proper to direct the Director to dispose of the appeal within 3 months from the date of receipt of the order of this Tribunal.

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

- (1) We decline to interfere with the order made by the Superintendent at this stage.
- (2) We direct the Director to dispose of the appeal filed by the applicant within three months from the date of receipt of the order of this Tribunal.

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

9. Let this order be communicated to the Director within 10 days from this day.

M.S. Dharmendra
VICE-CHAIRMAN
4/12/86

Ch. S. H. 4-2-1986
MEMBER(A)

np/