

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, BANGALORE BENCH,
BANGALORE.

DATED THIS THE EIGHTEENTH DAY OF DECEMBER, 1986.

APPLICATION No. 2045/86(F)

Present: Hon'ble Shri Justice K.S. Puttaswamy,
Vice-Chairman,

and

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

Between:-

S.V. Joshi,
S.P.M.,
Yelburga Post Office,
Raichur District.

....Applicant.

(Shri M. Raghavendra Achar, Advocate)

and

1. Superintendent of Post Offices,
Raichur Division,
Raichur.

2. Director of Postal Services,
Dharwar Division,
Dharwar.

...Respondents.

This case having come up for admission and preliminary hearing today before this Court, Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman, made the following:


O R D E R

In this application made under Section 19 of the Administrative Tribunals Act, 1985 ('the Act'), the applicant has challenged Order No. NKR/STA/9/SVJ/86 dated 29.8.1986

(Annexure 'C') of the Director of Postal Services, Dharwar Division, Dharwar (Director), confirming Order No. F3/1-5/85.86 dated 17.2.1986 (Annexure 'B') of the Superintendent of Post Offices, Raichur.

2. At the material time, the applicant was working as an Assistant Post Master (APM) at the SPM, Gangavati, Raichur Division. When he was working at that place, the Superintendent in exercise of the powers conferred on him by Rule 16 of the Central Civil Services (CCA) Rules, 1965 ('Rules'), issued an Article of Charges and Statement of Imputations, inter alia, stating that there was dereliction of duty from 7.3.1985 to 24.3.1985 by him, which was denied. On an examination of the charges, the statement of imputations, the reply filed and the records, the Superintendent, by his Order dated 17.2.1986 (Annexure 'B'), imposed the penalty of stoppage of one increment as and when the same becomes due in the pay scale of Rs. 425-640, for a period of six months without cumulative effect. Aggrieved by the same, the applicant filed an appeal before the Director, who, on 29.8.1986, has dismissed the same. Hence this application.

3. Shri M.R. Achar, learned counsel for the applicant, contends that the Director has not really considered the several grounds urged by his client in his appeal on question of fact and law, and had summarily rejected the same without a speaking order as required by the rules and the principles of natural justice.



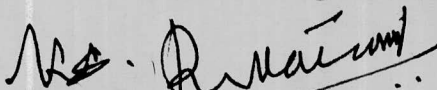
4. We have carefully examined the order of the Director. We find that the Director had examined the material contentions urged by the applicant in support of his appeal and has dismissed the same concurring with the findings of the Superintendent. We are of the view that the order made by the Director, which is a speaking order, is in conformity with the rules.

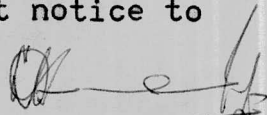
5. Shri Achar next contends that the Superintendent had not really examined the reply filed by the applicant and had not made a speaking order.

6. We have carefully examined the charge memo, reply filed and the order made by the Superintendent. We find that the Superintendent, on a careful consideration of the representations and the records, had found that the applicant was guilty of the charge levelled against him and the same called for a punishment. We are of the view that the order made by the Superintendent, which is a speaking order, is in conformity with the Rules. We see no merit in this contention of Shri Achar and reject the same.

7. Any other grievance of the applicant on other aspects cannot be examined by us in this application, and he is, therefore, free to agitate the same before the concerned authorities.

8. As all the grounds urged by the applicant fail, this application is liable to be rejected. We, therefore, reject this application at the admission stage without notice to the respondents.


VICE CHAIRMAN

 18. 8/86
MEMBER. (H) (R)

dms.