

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE.

TWENTY FOURTH
DATED THIS THE ~~TWENTY FIFTH~~ DAY OF OCTOBER, 1986.

Present: Hon'ble Shri Ch. Ramakrishna Rao,
Member (JM),

and

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

Application No. 560 of 1986.

Between:

M.P. Kulkarni,
Assistant Superintendent of Post Offices,
Raichur.

....Applicant.

And

The Union of India,
represented by the Commissioner & Secretary,
Posts and Telegraphs Department,
Communications,
Government of India,
New Delhi.

....Respondent.

The application has come up for hearing before this Court on 26-9-1986, and having stood over for consideration till this day, the Member (JM) made the following:

O R D E R

According to the applicant in this application, he was busy in the inspection work till the end of August, 1980 and hence directed the Mail Overseer, Ugarkhurd to appoint the selected persons for the post and the said MO was not in a position to implement the order. ~~for some reason and the~~
This
~~above fact~~/was discussed at length with the SPO Gokak when

he was at Athani during September, 1980 and he was told not to go ahead with the change of Extra-departmental Sub-Post Master for some time, ~~and that~~ The oral discussion with the SPO Gokak was not confirmed later in writing and hence the applicant addressed a letter to SPO Gokak on 20.9.1980, who by his order dated 1.10.1980 directed the applicant to carry out the orders. ~~and~~ The applicant again directed the MO Ugarkhurd to implement the transfer of charge of ~~XX~~ EDSO Yadur, ^{transfer of} but the said MO was not in a position to effect/charge as the villagers in connivance with the office EDSPM did not allow the MO to discharge his duties.

2. The stand taken by the respondents in the statement of objections is that the applicant should have gone himself and should not have delegated the work to his MO, in view of the importance of the work to be performed, and that the issue of a message by the SPO Gokak was a subsequent event which ^{happened} ~~was to be ordered~~ due to change of circumstances; that the tense situation created by the villagers would have not been there had the applicant ~~and~~ done the work himself and convinced the villagers; that the applicant was punished not for non-implementation of the orders but for failure to carry out the orders.

3. After considering the rival contentions, we are left with the feeling that there was dereliction of duty on the part of the applicant, and the respondents were, in the circumstances, justified in holding that the charge against the applicant was established and imposing the minor penalty of censure. We therefore see no reason to interfere with