

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE THIRD DAY OF NOVEMBER, 1986

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

Hon'ble Shri P. Srinivasan ... Member (A)

APPLICATIONS NO.1053 & 1053(a)/86

Sri B.V. Nagaraj,
S/o Venkatachala,
E.D.D.A., S.O.,
Belakavadi,
Malavalli Taluk,
Mandy District.

Sri B.V. Gopalakrishna,
E.D.D.A., S.O.
Belakavadi,
Malavalli Taluk,
Mandy Taluk,

... Applicants

V.

The Superintendent of Post Offices,
Mandy Division, Mandy.

The Sub-Divisional Officer,
Mandy Division, Mandy.

... Respondents

(Shri M.S. Padmarajaiah ... Advocate)

This application came up before Court today for hearing.

Hon'ble Member (J) made the following:

ORDER

The applicants are not present either in person or through their counsel when the case was called. Shri M.S. Padmarajaiah learned counsel for respondent has been heard.

2. The applicant No.1 (referred to as the First Applicant) was appointed as Extra Departmental Delivery Agent (EDDA) in 1971. When he proceeded on leave he nominated his brother, applicant No.2 (referred to as Second Applicant) in November 1981 to look after the duties of the post of EDDA. The first applicant, however, did not resume his duty within 180 days and in view thereof disciplinary proceedings were initiated against the First Applicant.

Ch. Ramakrishna Rao

Meanwhile the post of EDDA was upgraded by the respondents as a result of which the post of EDDA ceased to exist. It appears that as a sequel to the upgradation of the post of EDDA notices were given to both applicants terminating their services. Shri Padmarajaiah appearing for the respondents bring to our notice that the disciplinary proceedings against the applicants were not pursued since their services had to be terminated on the upgradation of the post of EDDA, since the post to which they were appointed stood abolished.

3. The prayers of the applicants in the writ petitions which were initially filed in the High Court of Karnataka and transferred subsequently to this Tribunal and taken on file as applications No.1053 and 1053(a) of 1968 read as follows:-

- "(i) declare the action of the respondents in directing the petitioners to hand over charges without terminating their services, is illegal and bad in law, by issue of an appropriate writ;
- (ii) issue a writ of mandamus or any other writ or direction, directing the respondents to give posting order to the petitioners forthwith;
- (iii) grant such other relief this Court deems fit in the circumstances of this case including an order as to costs."

The applicants have, however, not attached any order terminating their services or directing them to hand over charge of the post as alleged by them as an enclosure to the application.

4. However, from a perusal of the application it is seen that the applicants themselves have admitted that the post of EDDA had been upgraded and it was on that account that their services were sought to be terminated. There is no allegation that while terminating their services any one junior to them has been retained.

Ch. A. D. Rao