

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

DATED THIS THE THIRTEENTH DAY OF NOVEMBER 1986

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

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

APPLICATION NO. 1110/86

Dhandappa Bassappa Banchod,  
residing at Mole, Taluk: Athani,  
District Belgaum

... Applicant

(Shri W.K. Joshi . Advocate)

V.

Union of India by its Secretary  
to Post & Telegraph Department,  
New Delhi

The Superintendent of Post,  
Chikodi Division Chikodi,  
Distt. Belgaum.

The Sub-Divisional Inspector of  
Post Offices, Athani Sub-Division,  
Athani-591 304.

K.M. Jirgale, resident of Mole,  
Tal: Athani, Dist. Belgaum.

... Respondents

(Shri D.V. Shailendra Kumar . Advocate  
for Respondents 1 to 3)

This application has come up for hearing before this  
Tribunal to-day, Hon'ble Vice Chairman made the following:

ORDER

We have heard Shri W.K. Joshi learned counsel for the  
applicant and Shri D.V. Shailendra Kumar, learned additional  
standing counsel for central Government appearing for respon-  
dents 1 to 3.

2. In this transferred application, received from the High  
Court of Karnataka under Section 29 of the Administrative  
Tribunals Act, 1985, (The Act), the applicant has challenged  
order No. PF/EDDA/Mole dated 18.5.1983 passed by the Sub-  
Divisional Inspector, Athni (Inspector) removing him from  
service.

3. In a disciplinary proceeding instituted under the P&T Extra Departmental Agent (Conduct and Services) Rules, 1965, the disciplinary authority while holding that the applicant was guilty of the charge levelled against him did not, however, award any punishment. In that view the Superintendent of Post Offices (Superintendent) exercising the powers of review conferred on him by Rule 16 of the rules, inflicted the penalty of removal from service against the applicant without, however, affording him an opportunity of hearing. In the impugned order the Inspector has only conveyed that order of the Superintendent.

4. While the writ petition was pending before the High Court of Karnataka, the Superintendent has made an order dated 9.7.1984 which reads thus:

"INDIAN POSTS AND TELEGRAPHS DEPARTMENT

O/O The Supdt. of Post Offices,  
Chikodi Dn. Chikodi-591201

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Memo No.F-1/Misc/83 dated at Chikodi the 9.7.1984  
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Without prejudice to the regular review under EDAs (C&S) Rules, 1964, the orders issued in this Office Memo No.F/EDDA/Mole dated 10.5.1983 is treated as cancelled.

Sd/- Supdt. of Post Offices  
Chikodi Dn. Chikodi-591 201

....."

From this it is clear that the Superintendent himself had cancelled his earlier order on the basis of which the applicant has been removed from service. In other words the Superintendent himself had withdrawn his earlier adverse order made against the applicant. When the Superintendent

had withdrawn his earlier order made against the applicant, the question of this Tribunal examining its validity or the order communicated by the Inspector no longer arises. We, therefore, dismiss this application as having become unnecessary with no order as to costs. But this does not and cannot prevent the competent authority for making a fresh order in accordance with law.

*H.S. Purohit*

VICE CHAIRMAN  
13.11.1986

*P. S. - 49*

MEMBER (A)  
13.11.1986