

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH BANGALORE

DATED THIS THE 21ST NOVEMBER 1986

Present: Hon'ble Shri Ch. Ramakrishna Rao,

Member(B)

Hon'ble Shri P. Srinivasan,

Member(A)

APPLICATION NO.1821/86(T)

K.Tara Singh S/o Bhima  
Singh, Major,  
Occupation Extra Department  
Mail Service Carrier,  
of Hospet DISTRICT  
BELLARY.

APPLICANT

(Shri K.S. Savanur, Advocate)

1. The Post Master General,  
Karnataka Circle,  
Park House, Race Course,  
Road, Bangalore.
2. The Director of Postal  
Services,  
Dharwad Region,  
DISTRICT DHARWAD.
3. The Superintendent of  
Post Offices,  
Bellary Division, at  
DISTRICT BELLARY.
4. Union of India by its  
Secretary to Law, Justice  
and Parliamentary Affairs,  
NEW DELHI

RESPONDENTS

(Shri M.S. Padmarajaiah, Advocate)

The application has come up for hearing before this  
Tribunal, to-day, Member (A) made the following:

O R D E R

This case was called out several times, but till 12.30  
PM none appeared for the applicant. We have, therefore, proceeded  
to dispose of the application with the assistance of the  
learned counsel for the respondents, Shri M.S. Padmarajaiah.

2. The applicant, who was working as an Extra Departmental

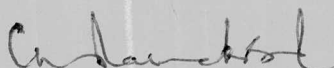


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Mail Carrier (EDMC) at Mutt Road Sub Post Office, Hospet, apprehended that his services would be terminated because the Sub Post Office itself was ordered to be closed down with effect from 30.6.82 by an order dated 17.6.82 which also directed that the post of EDMC be "brought under reduction". He therefore filed this application as a writ petition before the High Court of Karnataka seeking a direction that the order dated 17.6.1982 be struck down. He also prayed that the respondents be directed to continue him in service <sup>in</sup> any <sup>of</sup> another Sub Post Office or in the Head Post Office, Hospet, as EDMC.

3. Shri M.S. Padmarajaiah, learned counsel for the respondents, informs us that though the applicant's services as EDMC at Mutt Road Sub Post Office <sup>were</sup> ~~was~~ terminated, he was re-employed with effect from 10.5.1983 as EDMC at Karinganoor Branch Post Office and that therefore, his grievance has been remedied, there being no question of seniority among Extra Departmental employees. He, therefore, submits that the application has become superfluous.

4. The application is, therefore, dismissed as having become superfluous. Parties will bear their own costs.



(CH. RAMAKRISHNA RAO)  
MEMBER (J)  
21.11.1986



(P. SRINIVASAN)  
MEMBER (A)  
21.11.86

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

Dated : 31 DEC 1986

W.P. No 22341 / 82

K. Tara Singh, Extra Department Mail Service Cassier, Hospet Distt. Bellary.

1. Shri K.S. Saganur, Advocate, 21, C.N.D.Road, Jayamahall, Bangalore-46.
2. The Post Master General, Karnataka Circle, Park House, Race Course Road, Bangalore.
3. The Director of Postal Services, Dharwad Region, Distt. Dharwad.
4. The Superintendent of Post Offices, Bellary Division at Distt. Bellary.
5. Secretary, Ministry of Law, Justice and Parliamentary Affairs, New Delhi.
6. Shri MS Padmarajaiah, Senior Central Govt. Standing Counsel, High Court Buildings, Bangalore-560 001.

Please find enclosed herewith the copy of the Order/~~Interim Order~~  
passed by this Tribunal in the above said Application on 21-11-1986.

SECTION OFFICER  
(JUDICIAL)

Balu\*

J. S. 2/11/87  
 O/C.  
 J. S. 2/11/87  
 P. 188-189 W. C. R.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE  
DATED THIS THE SEVENTH DAY OF APRIL, 1987

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

I.A.No.1 in Application No.1821/86

K.Tara Singh, S/o Bhima  
Singh, Major,  
Occupation Extra Department  
Mail Service Carrier,  
of Hospet District  
Bellary.

... Applicant

(Shri Kulkarni ... Advocate)

1. The Post Master General,  
Karnataka Circle,  
Park House, Race Course  
Road, Bangalore.
2. The Director of Postal  
Services,  
Dharwad Region,  
District Dharwad.
3. The Superintendent of  
Post Offices,  
Bellary Division at  
District Bellary.
4. Union of India by its  
Secretary to Law, Justice  
and Parliamentary Affairs,  
New Delhi.

... Respondents

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

ORDER

Shri Kulkarni for the applicant and Shri M.S.Padma-  
rajaiah for the respondents present.

2. In this I.A., the applicant wants us to set aside  
the exparte order dated 21.11.1986 passed by us in  
A.NO.1821/86. Though the application speaks of Section  
22(3)(g) of the Administrative Tribunals Act, 1985  
( 'the Act' ), it really falls under Section 22(3)(h) of




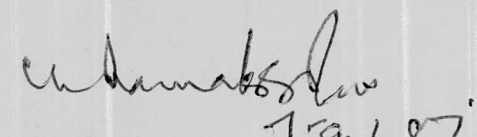
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the Act, and we, therefore, treat it as an application under Section 22(3)(h) of the Act.

3. It was pleaded on behalf of the applicant by Shri Kulkarni, learned counsel, that the notice fixing the date of hearing the application on 21.11.1986 was received by the applicant's advocate only on 22.11.1986, and therefore the applicant could not put in appearance on that date.

4. In the circumstances, we set aside our Order dated 21.11.1986 and direct the Registrar to take necessary consequential action. The application, after restoration, is fixed for hearing on 27.4.1987.

  
Member (A)

  
Member (J) 27.4.87



CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\* \* \* \* \*

Commercial Complex (IDA)  
Indiranagar  
Bangalore - 560 039

Dated 10 APR 1987

Application No. 1821 /86(T)

M.P. No. 22341/82

Applicant K. Tara Singh - Vs - The post Master General

Recd copy  
of the order  
ASP 16/4

- 1) The post Master General,  
Karnataka circle,  
Park House, Race Course.  
Road, Bangalore.
- 2) The Director of postal Services,  
Dharwad Region,  
District Dharwad.
- 3) The Superintendent of post  
Offices, Bellary Division at  
District Bellary.
- 4) Union of India by its  
Secretary to Law, Justice  
& Parliamentary Affairs, New Delhi
- 5) K Tara Singh  
Extra Department Mail  
Service carrier of  
Hospet Dist. Bellary
- 6) K. S. Savanur  
Advocate  
No 21 - C. N. D. Road,  
Jayamahal Extn  
Bangalore
- 7) Sri M. S. padmasaiah  
Central Govt Standing  
Counsel  
High Court Build  
Bangalore-1

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH IN  
APPLICATION NO. 1821/86(T)

Please find enclosed herewith the copy of the Order/Interim Order

passed by this Tribunal in the above said Application on 7<sup>th</sup> April/1987

One share copy given to I  
for making necessary entries.

Encl : As above

SECTION OFFICER  
(JUDICIAL)

#10/4

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

DATED THIS THE 27th DAY OF APRIL 1987

Present : Hon'ble Shri Ch.RAMAKRISHNA RAO MEMBER(J)

Hon'ble Shri P.Srinivasan MEMBER(A)

APPLICATION No.1821/86(T)

K.Tara Singh,  
Extra Department Mail Services Carrier,  
of Hospect District,  
Bellary. ... APPLICANT

( Sri P.N.Kulakarni ... Advocate )

v.

The Post Master General,  
Karnataka Circle,  
Bangalore - 1.

The Director of Postal Services,  
Dharwad Region,  
Dharwad.

The Superintendent of Post Offices,  
Bellary Division,  
Bellary.

Union of India by its  
Secretary to Law, Justice  
and Parliamentary Affairs,  
New Delhi. ... RESPONDENTS

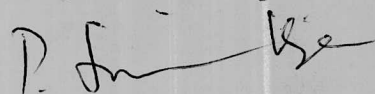
( Sri M.S.Padmarajaiah ... Advocate )

This application has come up before the court today.

Hon'ble Shri P.Srinivasan, Member(A) made the following :

ORDER

This application was initially disposed of by us  
by order dated 21.11.1986. The matter was decided ex-parte as the  
applicant was not present. Subsequently by order dated 7.4.1987  
we set aside our earlier order of 21.11.1986 and restored the  
application to the file of this Tribunal. That is how this appli-  
cation has come up before us today for hearing.

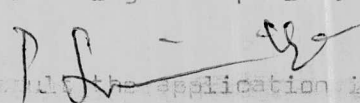


2. Sri P.N.Kulkarni for Sri K.S.Savanur, learned counsel for the applicant states that after the service of the applicant were terminated w.e.f. 17.6.1982 he was reappointed as Extra Departmental Mail Carrier(EDMC) from 10.5.1983. Thus the grievance so far as it relates to the removal of the applicant from service no longer survives. He, however, pleads that the break of service between 17.6.82 to 10.5.1983 may be condoned and the applicant be allowed pay and allowances for this period.

3. Sri M.S.Padmarajaiah drew our attention to the letter of the Director General Post and Telegraphs dated 27.1.81 printed at p.59 of Swamy's compilation of Service rules for Extra Departmental Staff in the P&T Department brought out in 1982. Para(iii) of the said letter at the top of page 60 of the said compilation reads as follows :-

"(iii) The past service of an EDA in case of his discharge from service on upgradation or abolition of the post and who was offered alternative appointment within one year, will be counted from the date of his initial appointment(not continuous appointment). The interruption may be ignored and treated automatically condoned. This concession will be applicable only if the EDA was regularly appointed in a particular post (and not worked as substitute for some time and got regular appointment later)."

4. According to the paragraph extracted above the past service of the applicant who was offered alternative appointment within one year of his earlier discharge will be counted from the date of his initial appointment and the interruption would be ignored and treated automatically as condoned. In view of this the prayer now urged on behalf of the applicant that the break of service between 17.6.82 to 10.5.83 be condoned stands automatically granted by the department itself. We are not inclined to allow pay and allowances for this period, since the applicant did not work during that period.

5. In the  application is disposed of as indicated above. Parties to bear their own costs.



CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

APPLICATION No. 1821/86 (T)

(WP.NO. 22341/82)

COMMERCIAL COMPLEX, (BDA)  
INDIRANAGAR,  
BANGALORE-560 038.

DATED: 5 May '87

APPLICANT

K. Tara Singh

TO

Vs

RESPONDENTS

PMG, Karnataka Circle & Ors

- 1) K. Tara Singh,  
Extra Departmental -  
Mail Services Carrier  
Hospet District,  
Bellary
- 2) Sri P.N. Kulkarni,  
Advocate (for Applicant)  
21-C.N.D. Road,  
Jayamahal Extn.,  
Bangalore-46
- 3) The Post Master General,  
Karnataka Circle,  
Bangalore-1.

- 4) The Director of Postal Services,  
Dharwad Region, Dharwad.
- 5) The Supdt. of Post Offices,  
Bellary Div., Bellary.
- 6) Secretary to Law, Justice  
and Parliamentary Affairs,  
New Delhi
- 7) Sri M.S. Padmarajiah;  
Sr. Central Govt. Standing  
Council,  
High Court Building,  
Bangalore-1.

SUBJECT: SENDING COPIES OF ORDER PASSED BY THE  
BENCH IN APPLICATION NO. ~~22341~~ 1821/86 (T)

....

Please find enclosed herewith the copy of the Order  
passed by this Tribunal in the above said Application on  
27-4-87.

ENCL: As above.

DEPUTY REGISTRAR  
(JUDICIAL)